

1979. Grounds for relief—need for increased revenue.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-26937 Filed 8-28-79; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications; Notice

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

[Notice No. 145]

August 14, 1979.

MC 1074 (Sub-20TA), filed May 10, 1979. Applicant: ALLEGHENY FREIGHT LINES, INC., P.O. Box 2080, Winchester, VA 22601. Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. Common; regular; General

Commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment serving the facilities of Cello Chemical Co., Inc., at Havre de Grace as an off-route point in connection with carrier's existing regular route authority. Authority is sought to tack this authority and to interline with other motor carriers for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Transportation Bureau of Baltimore, For Acct. of Cello Chemical Co. Executive Plaza No. 1, Suite 305, Hunt Valley, MD 21031. Send protests to: Cello Chemical Co., 1354 Old Post Rd., Havre de Grace, MD 21078. ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 1334 (Sub-29TA), filed July 12, 1979. Applicant: RITEWAY TRANSPORT, INC., 2131 W. Roosevelt, Phoenix, AZ 85005. Representative: Robert R. Digby, P.O. Box 6849, Phoenix, AZ 85005. Furniture, furniture parts, baskets, containers, lamps, decorative ornaments, and commodities, materials and supplies used in and useful in the manufacture, distribution and sale of furniture, furniture parts, baskets, containers, lamps and decorative ornaments, between Pinal County, AZ and points in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to interline with other carriers. Supporting shipper(s): Wudlite, Inc., P.O. Box 1256, Coolidge, AZ 85228. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 1824 (Sub-102TA), filed July 18, 1979. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, MD. 21655. Representative: Thomas M. Auchincloss, Jr., 700 World Center Bldg., 918 Sixteenth St., NW., Washington, DC 20006. Authority sought to operate as a common carrier over regular routes transporting General commodities, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Canton, OH and Wooster, OH, from Canton over US Hwy 30 to Wooster, and return over the same route, (2) between Canton, OH and Salem, OH, from Canton over I-77 to junction US Hwy 62, then over US Hwy 62 to junction OH Hwy 173, then over OH Hwy 173 to Salem, and return over the same route, (3) between Canton, OH and Minerva, OH, from Canton over US Hwy 30 to Minerva, and

return over the same route, (4) between Canton, OH and New Philadelphia, OH, from Canton over I-77 to junction OH Hwy 39, then over OH Hwy 39 to New Philadelphia, and return over the same route, (5) between Wooster, OH and junction US Hwy 250 and I-77, from Wooster over US Hwy 250 to junction I-77, and return over the same route, serving all intermediate points on the above specified routes, and points in Carroll, Columbiana, Holmes, Mahoning, Stark, Tuscarawas and Wayne Counties, OH, as off-route points. An underlying ETA seeks 90 days. Applicant does intend to tack this authority with authority it presently holds in MC-1824. Supporting shipper(s): There are 24 statements in support of this application. They may be reviewed at Headquarters or at the office listed below. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, Md 21201.

MC 2934 (Sub-30TA), filed May 11, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: James L. Beattey, 130 E. Washington St., Suite 1000, Indianapolis, IN 46204. Baby strollers, car seats, and related baby or infant furniture and products from the plantsite of Strolee of California, at or near Compton, CA, to points in the United States for 180 days. Supporting shipper: Strolee of California, 19067 Reyes Avenue, Compton, CA 90220. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio Street, Rm 429, Indianapolis, IN 46204.

MC 2934 (Sub-31TA), filed July 13, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 N. Michigan Road, Carmel, IN 46032. Representative: James L. Beattey, 130 E. Washington St., Suite 1000, Indianapolis, IN 46204. Appliances, home entertainment equipment, and related articles, from the J. C. Penney facilities at or near Anderson, IN, to points and places in AL, AR, CT, DE, DC, FL, GA, IL, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV and WI, for 180 days. Supporting shipper: J. C. Penney Company, Inc., 1301 Avenue of the Americas, New York, NY 10019. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 4024 (Sub-7TA), filed June 18, 1979. Applicant: HORN TRUCKING CO., 300 Schmetter Rd., Highland, IL 62249. Representative: Edward D. McNamara, Jr., 907 S. Fourth, Springfield, IL 62703. Iron and steel articles and ferrous and non-ferrous metals, zinc ingots, slabs,

bars, aluminum ingots, pigs, sows, copper cathodes and ingots, between Gerald, MO and points in MO located along U.S. 50 and Interstate 44 and St. Louis and its commercial zone and the states of IL, MO, AK, TN, KY, LA, MI, AL, GA, TX, IN, OH, IA, WI, FL, OK, and MS; Between Chicago, IL and its commercial zone and the states of IN, OH, WI, MI, and IA: between E. St. Louis, IL Chicago, Oldenburg commercial zone and the states of IN, AL, IL, MI, AK, OH, MO, and GA, for 180 days. Supporting shippers: Three supporting shippers. Send protests to: Annie Booker, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 5285 (Sub-7TA), filed June 7, 1979. Applicant: BAYSE TRANSPORTATION SERVICE, INC., P.O. Box 1002, Salem, VA 24153. Representative: Charles W. Bayse (same as applicant). *Foodstuffs and/or materials and supplies used in the production or distribution of foodstuffs* between points in Newport, Sevierville, Tellico Plains, and Jefferson City, TN and points in VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Stokely-Van Camp, Inc., 941 N. Meridian St., Indianapolis, IN 46206. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 14215 (Sub-56TA), filed July 5, 1979. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 1329, Steubenville, OH 43952. Representative: John L. Alden, Stiversen and Alden, 1396 West Fifth Avenue, Columbus, OH 43212. *Iron and steel and iron and steel articles*, (1) from the facilities of Wheeling-Pittsburgh Steel Corporation located at Canfield, Martins Ferry, Mingo Junction, Steubenville and Yorkville, OH, Beech Bottom, Benwood, Follansbee and Wheeling, WV and Monessen, PA to points in the states of IL, IN, KY, MD, MI (Lower Peninsula), NY, OH, PA, VA, WV and WI; (2) from the facilities of Wheeling-Pittsburgh Steel Corporation located at Allentown, PA to points in the states of KY, MI (Lower Peninsula), MD, NY, PA, VA, WV and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wheeling-Pittsburgh Steel Corporation, P.O. Box 118, Pittsburgh, PA 15230. Send protest to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 19945 (Sub-73TA), filed July 11, 1979. Applicant: BEHNKEN TRUCK SERVICE, INC., Route 13, New Athens, IL 62264. Representative: Joseph R. Behnken, Route 13, New Athens, IL 62264. *Coke* in bulk, from the plantsite and storage facilities of Great Lakes Carbon Corp., MO Coke and Chemical

Division, to points in IL, IN, IA, MI, MN and WI for 180 days. Supporting shipper(s): Great Lakes Carbon Corporation, 299 Park Avenue, New York, NY 10017. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 31675 (Sub-25TA), filed July 12, 1979. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, NC 28234. Representative: Garland V. Moore, (same as applicant). *Iron or steel articles* from Brookville, PA to Spartanburg, SC, for 180 days. Supporting shipper(s): Beverage Air Corp., Hwy. I-85, Spartanburg, SC. Send protests to: Terrell Price, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 44605 (Sub-53TA), filed June 14, 1979. Applicant: MILNE TRUCK LINES, INC., 2500 West California Avenue, Salt Lake City, UT 84104. Representative: Henry A. Dahn (same address as applicant). *Common carrier*: regular routes: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Reno, NV, and Las Vegas, NV; from Reno over Interstate Hwy 80 to junction Alternate U.S. Hwy 95, then over Alternate U.S. Hwy 95, then over U.S. Hwy 95 to Las Vegas, and return over the same routes, serving no intermediate points except as otherwise authorized, including commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Note: Applicant proposes to tack the authority sought here with MC-44605 and to interline with other carriers at Las Vegas and Reno, NV. Supporting shipper(s): There are 57 statements in support attached to this application which may be examined at the ICC in Washington, D.C., or copies of which may be examined at the field office named below. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 45194 (Sub-25TA), filed June 29, 1979. Applicant: LATTAVO BROTHERS, INC., P.O.B. 6270, Canton, OH 44706. Representative: James W. Muldoon, 50 W. Broad St., Columbus, OH 43215. *Lumber*, from Prosperity, SC to points in OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Stark Truss, Inc., 1556 Perry Dr., SW., Canton, OH 44706. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Philadelphia, PA 19106.

MC 45764 (Sub-32TA), filed June 22, 1979. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., Industrial Highway and Saville Ave., Eddystone, PA 19013. Representative: Edward Kells,

(same as address as applicant). *Flat glass*, from the facilities of Libbey-Owens-Ford Co., at or near Toledo, OH to pts. in TX. (representative pts, but not all inclusive pts are Dallas, Ft. Worth, Houston and San Antonio, for 180 days). An underlying ETA seeks 90 days authority. Supporting shipper(s): Libbey-Owens-Ford Company, 811 Madison, Toledo, OH 43695. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 49304 (Sub-35TA), filed June 18, 1979. Applicant: BOWMAN TRUCKING CO., INC., P.O. Box 6, Stephens City, VA 22655. Representative: Gary E. Thompson, 4304 East-West Hwy, Washington, DC 20014. *Waste residue of coal-burning boiler systems* from Washington, DC to points in Frederick County, MD and Frederick County, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Flintkote Co., 11350 McCormick Rd., Hunt Valley, MD 21031. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 60014 (Sub-131TA), filed July 13, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Wallboard, fiberboard, pulpboard, or strawboard* from the facilities of Boise Cascade Corp. at or near Cicero, IL to points in IN, KY, MI, NY, OH, and PA, for 180 days. Supporting shipper(s): Boise Cascade Corp., P.O. Box 2885, Portland, OR 97208. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 94265 (Sub-313TA), filed July 2, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305—Route 460 West, Windsor, VA 23487. Representative: Clyde W. Carver, Attorney, P.O. Box 720434, Atlanta, GA 30328. *Meat products, meat by-products, articles distributed by meat packinghouses and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in Sections A, C, and D of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk)* between the facilities of Lauridsen, Foods, Inc., at or near Britt, IA, and Armour & Co., at or near Mason City, IA, on the one hand, and, on the other, points in the states of NY, NJ, PA, DE, VA, WV, NC, SC, GA, FL, AL, MD, KY, TX and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour & Company, Greyhound Tower, Phoenix, AZ 85077. Send protests to: I.C.C., Fed.

Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 94265 (Sub-314TA), filed July 9, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Rt. 460 West, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Foodstuffs (except in bulk) in vehicles equipped with mechanical refrigeration* from points in Fulton County, GA, to all points in the states of DE, IN, KY, MD, NC, OH, PA, TN, VA, WV, and DC. Restricted to the transportation of traffic originating at the facilities of Munford Refrigerated Warehouses, Division of Munford, Inc. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Munford Refrigerated Warehouses, Division of Munford, Incorporated, 6150 Xavier Drive, S.W., Atlanta, GA 30336. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 98255 (Sub-4TA), filed July 12, 1979. Applicant: LAWRENCEBURG TRANSFER, INC., U.S. Hwy. 127 North, Lawrenceburg, KY 40342. Representative: Robert H. Kinker, Atty., P.O. Box 464, Frankfort, Ky. 40602. Electric motors, electric gear motors, power transmission equipment, and machinery and controllers or controller parts and parts and accessories therefor, weighing machinery and parts and accessories, telecommunication equipment and parts and accessories, and castings for forgings, between the facilities of Reliance Electric Co., at Lawrenceburg, KY, and Columbus, IN, and the commercial zones thereof. Supporting shipper(s): Reliance Electric Company, Highway 127 North, Lawrenceburg, KY 40342. Send protests to: Mrs. Linda H. Sypher, D/S, ICC, 426 Post Office Bldg., Louisville, Ky. 40202.

MC 98614 (Sub-14TA), filed May 2, 1979. Applicant: ARKANSAS TRANSPORT COMPANY, P.O. No. 702, Little Rock, AR 72203. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. *Petroleum and petroleum products*, in bulk, from Fort Smith, AR and its commercial zone to points in OK on and East of Interstate Highway 35, for 180 days. A corresponding ETA (R-12) is filed. Supporting shipper(s): There are seven supporting shippers whose statements may be examined at the Little Rock Office or at Headquarters. Send protests to: William H. Land, Jr., 3108 Federal Building, 700 West Capitol, Little Rock, AR 72201.

MC 102295 (Sub-36TA), filed July 11, 1979. Applicant: GUY HEAVENER, INC., 480 School Lane, Harleysville, PA 19438. Representative: Maxwell A. Howell,

1100 Investment Building, 1511 K Street, N.W., Washington, DC 20005. *Slag*, from points in Cape May County, NJ to points in Baltimore County, MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Metals Development Company, 400 West Glenwood Ave., Phila., PA 19140. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 106674 (Sub-405TA), filed May 16, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Highway 24 West, Remington, IN 47977. Representative: Jerry L. Johnson, P.O. Box 123, U.S. Highway 24 West, Remington, IN 47977. *Iron and steel articles* from the facilities of Armco Inc., Ashland, KY to points in the states of IL and IN; and from the facilities of Armco Inc., Middletown, OH to points in the states of KY, IL and IN for 180 days. Restricted to traffic originating at the above facilities. Supporting shipper: Armco, Inc., 703 Curtis St., Middletown, OH 45043.

MC 106674 (Sub-406TA), filed May 2, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Highway 24 West, Remington, IN 47977. Representative: Jerry L. Johnson, (same address as applicant). *Particleboard, fiberboard, and built-up woods including faced or finished*, Stuart and Waverly, VA and Spring Hope, NC to PA, TN, IN, KY, OH, NY, MD, NJ, CT, W, DE, MA and RI for 180 days. Supporting shipper: Masonite Corporation, P.O. Box 378, Waverly, VA 23890. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio Street, Room 429, Indianapolis, IN 46204.

MC 106674 (Sub-407TA), filed April 27, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Highway 24 West, Remington, IN 47977. Representative: Jerry L. Johnson, (same address as applicant). *Sand, gravel and stone, in bulk, in dump vehicles*, from bullitt County, KY, to Chicago, IL and Detroit, MI, for 180 days. Supporting shipper: Old Dutch Materials Co., 350 Pfingsten, North Brook, IL 60062. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 107295 (Sub-933TA), filed July 12, 1979. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Richard Vollmer, P.O. Box 146, Farmer City, IL 61842. (1) *Insulation materials*, from Sanford, ME to points in DE, DC, KY, MD, NJ, NY, NC, OH, PA, VA and WV and (2) *materials, equipment and supplies used in the manufacture distribution and application of insulation materials*

except commodities in bulk, from points in DE, DC, KY, MD, NJ, NC, OH, PA, VA and WV to Sanford, ME for 180 days. An underlying ETA was granted for 90 days authority. Supporting shipper(s): NFG Barriers, Inc., P.O. Box 30, Sanford, ME 04073. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 107295 (Sub-932TA), filed June 1, 1979. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr, P.O. Box 146, Farmer City, IL 61842. *Iron and steel and iron and steel articles*; from ex-barge from Madison, IN to destinations in the states of IL, IN and MI for 180 days. An underlying ETA was granted 90 days authority. Supporting shipper(s): Wheeling-Pittsburgh Steel Corporation, P.O. Box 118, Pittsburgh, PA 15230. Send protests to: Annie Booker, TA, Room 1386, 219 South Dearborn Street, Chicago, IL 60604.

MC 109124 (Sub-89TA), filed May 18, 1979. Applicant: SENTLE TRUCKING CORP., P.O. Box 7850, Toledo, OH 43619. Representative: James M. Burtch, 100 East Broad St., Columbus, OH 43215. *Sand*, from Porter, Laporte, Jasper, and Newton Counties, IN to points in IL, MI, and OH for 180 days. Supporting shipper(s): Crisman Sand Co., Inc., 6480 Melton Road, Portage, IN 46368. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 111274 (Sub-48TA), filed July 11, 1979. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 356, Morton, IL 61550. Representative: Frederick C. Schmidgall, P.O. Box 356, Morton, IL 61550. *Contract carrier: irregular routes: Materials and components used or useful in the manufacture, erection and completion of metal building and metal buildings*, between El Paso, IL, Ft. Collins, CO, and Houston, TX and points in AL, AR, CO, CT, DE, FL, GA, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SD, TN, TX, VT, VA, WV, WI, and WY for 180 days. An underlying ETA was granted for 90 days authority. Supporting shipper(s): Marathon Metallic Bldg. Co., P.O. Box 8, Route 24 E., El Paso, IL. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 111274 (Sub-49TA), filed July 12, 1979. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 356, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant). *Contract carrier: irregular routes: Material handler, material handler parts, and material handler trailer*, from Crystal Lake, IL to points in KS, MO, SD, PA, MI, CO, OH, NY, and WA. Points of

entry on the U.S.-Canadian boundary in MT, ND, MN, MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Foxcroft Development Associates, 5402 Edgewood Rd., Crystal Lake, IL 60014. Send protests to: David Hunt, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 112304 (Sub-199TA), filed June 13, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same as applicant). *Iron and steel articles* from Springfield, MO to Drakesboro, KY and Georgetown, SC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Acme Structural, Inc., 2101 N. Packer Rd., Springfield, MI 65803. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 112304 (Sub-200TA), filed June 25, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same as applicant). *Steel buildings NOI, KD and/or component parts* from the facilities of Republic Buildings Corp., at or near Rainsville, AL, to pts. in AR, FL, GA, KY, LA, MS, MO, NC, OK, SC, TN, VA and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Republic Buildings Corp., 1202 Industrial Ave., Van Wert, OH 45891. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 112304 (Sub-201TA), filed June 25, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. *Commodities, the transportation of which because of size or weight require the use of special equipment; metal articles; and self-propelled articles, each weighing 15,000 pounds or more; and related machinery, tools, parts and supplies moving in connection therewith.* (1) between CT, DC, IL, IN, KY, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, TX, VT, VA, WV, and WI, on the one hand, and, on the other, AL, AZ, AR, CA, CO, DE, FL, GA, ID, IA, KS, LA, ME, MN, MS, MT, NE, NV, NM, NC, ND, OK, OR, SC, SD, TN, UT, WA, and WY; and (2) between CT, DC, IL, IN, KY, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, TX, VT, VA, WV, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are sixteen (16) statements of support attached to this application which may be examined at the ICC in Washington, D.C. or copies of which may be

examined in the field office named below. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 112304 (Sub-202TA), filed July 2, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: John D. Herbert (same as applicant). *Iron and steel articles* from the facilities of Lukens Steel Co. at or near Coatesville and Conshohocken, PA to the states of AL, GA, MD, MO, NC, OK, SC, VA, and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lukens Steel Co., Coatesville, PA 19320. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 112595 (Sub-89TA), filed June 18, 1979. Applicant: FORD BROTHERS, INC., 510 Riverside Dr., P.O. Box 727, Ironton, OH 45638. Representative: Richard T. Trettin (same as applicant). *Petroleum products*, in bulk, in tank vehicles from Dayton, OH to points in KY (on and west of U.S. 31W) and IN for 180 days. Supporting shipper(s): Sun Petroleum Products Co. a Division of Sun Oil Co. of Pennsylvania, P.O. Box 920, Toledo, OH 43693. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 113434 (Sub-140TA), filed July 19, 1979. Applicant: GRA-BELL TRUCK LINE, INC., A5253 144th Avenue, Holland, MI 49423. Representative: Roger Van Wyk, A 5253, 144th Avenue, Holland, MI 49423. *Glass containers and equipment, supplies and accessories* Between Marion, IN and the states of MI and OH. Restricted to traffic originating at or destined to the facilities of Foster Forbes Glass Company and restricted to traffic originating at the named origins and destined to the named destinations. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Can Corporation, 8101 West Higgins Road, Chicago, IL 60631. Send protests to: C. R. Flemming, D/S, ICC, 225 Federal Building, Lansing, MI 48933.

MC 113974 (Sub-60TA), filed July 12, 1979. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., 211 Washington Ave., Dravosburg, PA 15034. Representative: James D. Porterfield, 211 Washington Ave., Dravosburg, PA 15034. *Iron and steel articles*, from Marietta, GA to points in AL, DE, KS, KY, LA, MS, MO, NE, NJ, OK, TX, WV, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pacesetter Steel Service, Inc., P.O. Box 6865, 980 Marietta Ind. Dr., Marietta, GA 30065. Send protests to: ICC, Fed. Res. Bank Bldg.,

101 N., 7th St., Room 620, Phila., PA 19106.

MC 114604 (Sub-80TA), filed July 9, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326. *Such commodities as are dealt in by grocery and food business houses (except commodities in bulk, in tank vehicles) in vehicles equipped with mechanical refrigeration* from the facilities of Kraft, Inc., at Decatur and Doraville, GA to points in FL from 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kraft, Inc., International Bank Bldg., Suite 963, 315 W. Ponce de Leon, Decatur, GA 30030. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW., Rm. 300, Atlanta, GA 30309.

MC 114604 (Sub-81TA), filed July 9, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, GA 30326. *Frozen bakery products* from the facilities of Tennessee Donut Corp. located at or near Nashville, TN to all points in AR for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tennessee Donut Corp., 2975 Armory Dr., Nashville, TN 37204. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW., Rm. 300, Atlanta, GA 30309.

MC 117765 (Sub-269TA), filed July 13, 1979. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). *Malt beverages, in containers and related advertising material*, from Evansville, IN, to KS and OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): G. Heileman Brewing Company, Inc., 925 S. Third Street, La Crosse, WI 54601. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 119834 (Sub-41TA), filed July 2, 1979. Applicant: ROBERT N. TOOMEY TRUCKING CO., 1516 S. George St., York PA 17403. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Contract; Irregular: Refractory brick and refractory products* from York, PA, including its commercial zone to points in the continental United States in and west of MN, IA, MO, AR, and LA for 180 days. Supporting shipper(s): Dolomite Brick Corp of America, P.O. Box 2028, York, PA 17405. Send protests to: ICC,

Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 119974 (Sub-84TA), filed June 27, 1979. Applicant: L.C.L. TRANSIT COMPANY, 949 Advance St., Green Bay, WI 54304. Representative: L.F. Abel, P.O. Box 949, Green Bay, WI 54305. *Liquid sugar, in bulk, in tank vehicles*, from facilities of American Crystal Sugar Co. at Chaska, MN to points in WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Crystal Sugar Co., 101 N. 3rd St., Moorehead, MN 56560. Send protests to: Gail Daugherty, TA, ICC, 517E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 120364 (Sub-24TA), filed July 25, 1979. Applicant: A & B FREIGHT LINE, INC., 2800 Falund Street, Rockford, IL 61109. Representative: Robert M. Kaske (address same as applicant). *General commodities, except Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those commodities requiring the use of special equipment, between Monroe and Brodhead, WI and northern Illinois territory it is presently authorized to serve, for 180 days. Supporting shipper(s): Six supporting shippers. Send protests to: Annie Booker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.*

MC 121664 (Sub-77TA), filed July 12, 1979. Applicant: HORNADY TRUCK LINES, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35233. *Lumber, lumber products, and pallets*; from Tuscaloosa, AL to points in WI, IL, IN, OH, PA, WV, VA, TX, MI, KY, AR, TN, NC, SC, GA, MS, LA, FL, and AL. For 180 days. Supporting shipper(s): Newton Lumber Co., P.O. Box 2181, Tuscaloosa, AL 35401. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 121664 (Sub-79TA), filed July 17, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 1st Avenue South, Birmingham, AL 35233. *Lumber and pallets* from Moundville, AL to points in and east of TX, OK, MO, IA, and MN, for 180 days. Supporting shipper(s): Newton Brothers Lumber Co., Inc., P.O. Box 487, Moundville, AL 35474. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35230.

MC 121664 (Sub-80TA), filed July 17, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant,

1702 1st Avenue South, Birmingham, AL 35233. *Lumber*, (1) from MS, LA, FL, GA, and TX to Russellville, AL. (2) From Russellville, AL to points in WI, IL, IN, OH, PA, MI, KY, TN, and TX, for 180 days. Supporting shipper(s): Bullington Wholesale Lumber Company, Inc., P.O. Box E, Russellville, AL 35653. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 123675 (Sub-7TA), filed July 13, 1979. Applicant: SOLDIER BROS. A B T LINE, INC., 614 Paine Ave., Toledo, OH 43605. Representative: Arthur R. Cline, 420 Security Bldg., Toledo, OH 53604. *Automobile parts* from Fort Wayne, IN to Toledo, OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The City Auto Stamping Co., Div. of Sheller-Globe Co., Lint and Dura Aves., Toledo, OH 43612. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 124144 (Sub-21TA), filed June 27, 1979. Applicant: ROBERT N. TOOMEY TRUCKING CO., 1516 S. George St., York, PA 17403. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Contract; irregular: (1) Agricultural chemicals, insecticides and adhesives (except in bulk)*, from Hanover, PA and its commercial zone, to points in ID and ND; and (2) adhesives, from Hanover, PA and its commercial zone, to points in CA, WA, NV, OR and AZ for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Miller Chemical & Fertilizer Corp., P.O. Box 333, Hanover, PA 17331. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 124774 (Sub-115TA), filed July 17, 1979. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7171 Mercy Road, Omaha, NE 68106. *Iron and steel articles* from New York City, NY; Philadelphia, PA; Cleveland, OH; Greenfield, IN and their commercial zones to the facilities of Phillips Manufacturing Co., Inc., at Omaha, NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Phillips Manufacturing Co., Inc., 4601 South 76th St., Omaha, NE 68127. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 124835 (Sub-15TA), filed June 27, 1979. Applicant: PRODUCERS TRANSPORT CO., P.O. Box 4022, Chattanooga, TN 37405. Representative: Sam Speer (same address as applicant). *Limestone and limestone products* from

Luttrell, TN to points in AL, FL, GA, IL, IN, TN, KY, MS, NC, OH, PA, SC, VA and WV for 180 days. Supporting shipper(s): Tenn-Luttrell Lime Company, 9047 Executive Park Dr. Suite 210, Knoxville, TN 37919. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 124964 (Sub-45TA), filed July 5, 1979. Applicant: J. M. BOOTH TRUCKING, INC., P.O. Box 907, Eustis, FL 32726. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier, irregular routes, transporting sugar (except in bulk)*, from Gramercy, LA, to points in AL, FL, GA, NC, and SC for 180 days. Under a continuing contract or contracts with Borden, Inc., Columbus, OH. Supporting shipper(s): Colonial Sugars, Div. of Borden Foods, 180 E. Broad Street, Columbus, OH 43215. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 126904 (Sub-31TA), filed July 16, 1979. Applicant: H. C. PARRISH TRUCK SERVICE, INC., R.R. 2, Box 264, Freeburg, IL 62243. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. *Pre-cast concrete products and modular mausoleum crypt units*, from Denver, CO; Dade City, FL; Laurel, MD; Bluffton, OH and Oshkosh, WI, to points in the United States (except AL and HI), for 180 days. Supporting shipper(s): Duwe Precast Products, P.O. Box 2068, Oshkosh, WI 54901. Send protests to: David Hunt, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 127705 (Sub-90TA), filed April 26, 1979. Applicant: KREVDA BROS., EXPRESS, INC., P.O. Box 68, Gas City, IN 46933. Representative: Donald W. Smith, 9000 Keystone Crossing, Indianapolis, IN 46240. *Fiberboard boxes*, from the facilities of Longview Fiber Company at Milwaukee, WI to points in IL, IN, OH, NY, NJ, WV and PA for 180 days. Restriction: Restricted to traffic originating at the named origins and destined to the named destination states. Supporting shipper: Longview Fiber Company, 3822 N. Third Street, Milwaukee, WI 53132. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 127705 (Sub-91TA), filed April 30, 1979. Applicant: KREVDA BROS., EXPRESS, INC., P.O. Box 68, Gas City, IN 46933. Representative: Donald W. Smith, Suite 945—9000 Keystone Crossing, Indianapolis, IN 46240. *Foodstuffs viz. sauces, salt, food curing, preserving compounds (except commodities in bulk and those requiring*

mechanical refrigeration equipment), from the facilities of Ragu' Foods, at Rochester, NY to points in IL, MD, MI, OH, PA, WI and WV for 180 days. Supporting shipper: Ragu' Foods, Inc., 33 Benedict Place, Greenwich, CT 06830. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio Street, Rm. 429, Indianapolis, IN 46204.

MC 127705 (Sub-92TA), filed April 30, 1979. Applicant: KREVEDA BROS. EXPRESS, INC., P.O. Box 68, Gas City, IN 46933. Representative: Donald W. Smith, Suite 945—9000 Keystone Crossing, Indianapolis, IN 46240. *Canned and preserved foodstuffs*, From the facilities of Heinz USA at or near Pittsburgh, PA to points in KY and MI for 180 days. RESTRICTION: Restricted to traffic originating at the named destination and destined to the named destination states. Supporting shipper: H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 129994 (Sub-36TA), filed June 27, 1979. Applicant: RAY BETHERS TRUCKING, INC., 176 West Central Avenue, Murray, UT 84107. Representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, UT 84111. *Sand* (except in bulk) from CO to CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Colorado Silica Sand, P.O. Box 15615, Colorado Springs, CO. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 129994 (Sub-37TA), filed June 27, 1979. Applicant: RAY BETHERS TRUCKING, INC., 176 West Central Avenue, Murray, UT 84107. Representative: Marilyn McNeil (same address as applicant). *Iron and steel articles* from points in Los Angeles, Orange, Riverside, San Bernardino, and Contra Costa Counties, CA, to points in UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cottonwood Steel, 1235 So. 2350 West, Salt Lake City, UT; Steelco, 162 No. 400 West, Salt Lake City, UT 84110. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 133604 (Sub-8TA), filed July 17, 1979. Applicant: LYNN TRANSPORTATION COMPANY, INC., 712 South 11th Street, Oskaloosa, IA 52577. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Meat, meat products, meat by-products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the*

report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Geo. A. Hormel & Co. at Ft. Dodge, IA to all points in Alabama and Louisiana, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Geo. A. Hormel & Co., P.O. Box 800, Austin, MN 55912. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 133805 (Sub-31TA), filed July 5, 1979. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Meats, meat products, meat by-products and articles distributed by meat packinghouses, as described in Sections A, B and C of Appendix I to the report in Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Hereford, TX, to points in NC, GA, FL, MD, AL, SC, TN, MS, and RI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour Fresh Meat Company, 111 W. Clarendon, Greyhound Tower, Phoenix, AZ 85077. Send protests to: Martha A. Powell, T/A, I.C.C., Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 134234 (Sub-22TA), filed July 18, 1979. Applicant: KUHNLE BROTHERS, INC., P.O. Box 375, Newbury, OH 44065. Representative: Kenneth T. Johnson and Ronald W. Malin, Bankers Trust Bldg., Jamestown, NY 14701. *Construction drainage systems and parts and components therefor*, from the plant site of Aco Drain, Inc., located at or near Chardon, OH to points in the states of LA, AR, IA, MN, TX, ND, SD, NE, KS, OK, NM, CO, WY, ID, UT, AZ, CA, NV, OR, and WA, for 180 days. Supporting shipper(s): Aco Drain, Inc., 29525 Chagrin Blvd., Cleveland, OH 44122. Send protests to: D/S, ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 135385 (Sub-6TA), filed June 21, 1979. Applicant: J. C. BANGERTER & SONS, INC., 1265 North Main Street, Bountiful, UT 84010. Representative: Harry D. Pugsley, Attorney, 1283 East South Temple #501, Salt Lake City, UT 84102. *Contract Carrier: Irregular routes: Such merchandise as is dealt in by wholesale, retail and chain grocers* from the facilities and warehouses of Smith's Management Corporation at Layton, UT and its division, Intermountain Souralls at Salt Lake City, UT to points in TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Smith's Management Corporation, 1550 So. Redwood Rd., Salt Lake City, UT.

Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 136384 (Sub-19TA), filed July 11, 1979. Applicant: PALMER MOTOR EXPRESS, INC., P.O. Box 103, Savannah, GA 31402. Representative: W. W. Palmer, Jr. (same address as applicant). *Drugs, medicines, and such commodities as are dealt in by wholesale and retail food chains, cosmetic dealers, drugstores, hospitals, discount variety stores, and grocery chains*, from facilities utilized by Bristol-Myers, Inc., in Atlanta, GA to points in Florida, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bristol-Myers Company, 5626 Fulton Industrial Boulevard, Atlanta, GA 30336. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 136644 (Sub-10TA), filed July 12, 1979. Applicant: WESTERN DRYWALL TRANSPORT, INC. d.b.a. WESTERN DIRECT TRANSPORT, 2001 Broadway, Vallejo, CA 94590. Representative: R. D. Davis (same address as applicant). Phone (707) 552-8777. *Contract carrier, irregular routes: Gypsum Wallboard and materials used in the installation and application of Gypsum Wallboard*, from the plant site of Gold Bond Building Products division of National Gypsum Company at or near Phoenix, AZ to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gold Bond Building Products Division of National Gypsum Company, P.O. Box 1888, Long Beach, CA 90801. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 138104 (Sub-80TA), filed July 16, 1979. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. *Trailers and trailer chassis, other than those designed to be drawn by passenger automobiles, in initial movements, cargo containers, and truck bodies*, from the facilities of Pullman Trailmobile, Division of Pullman, Inc., Longview, TX, to points in AL, AR, CO, DE, FL, GA, IA, IL, IN, KS, KY, LA, MD, MI, MN, MO, MS, NE, NC, NJ, NY, OH, OK, PA, RI, SC, SD, TN, VA, WV, WI, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pullman Trailmobile-Division of Pullman, Inc., 200 E. Randolph Dr., Chicago, IL 60601. Send protests to: Martha A. Powell, T/A, I.C.C., Room 9A27, Federal Bldg., 819 Taylor Street, Fort Worth, TX 76102.

MC 138575 (Sub-11TA), filed July 12, 1979. Applicant: GWINNER OIL CO., INC., P.O. Box 38, Gwinner, ND 58040. Representative: William J. Gambucci, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58107. *Contract carrier; irregular routes: (1) Agricultural, industrial and construction machinery, and parts and attachments therefor, from the facilities of Clark Equipment Co., Melroe Division at or near Gwinner, ND, to points in CA, MD, NV, PA, SD, UT and WY; and (2) Materials, parts and supplies used in the manufacture of the commodities named in (1) above from points in CA, IA, IL, IN, MD, MI (except the port of entry of Sault Sainte Marie, MI), MN, OH, OR, PA, SD, UT, WA and WI to the facilities of Clark Equipment Co., Melroe Division, at or near Gwinner, ND, restricted to a transportation service under a continuing contract or contracts with Clark Equipment Co., Melroe Division, Gwinner, ND, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Clark Equipment Co., Melroe Division, Gwinner, ND 58040. Send protests to: H. E. Farsdale, DS, ICC, Bureau of Operations, Room 268, Fed. Bldg. and U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.*

MC 138875 (Sub-215TA), filed June 21, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as above). *Such products as are dealt in by tile, floor, ceiling, wall and counter covering distributors, except commodities in bulk, from Salem, NJ to Spokane, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Inland NW Dist. Co., Box 2964, Spokane, WA 99202. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.*

MC 138875 (Sub-216TA), filed June 21, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as above). *Frozen foods and potato products other than frozen, except commodities in bulk, from points in Ada, Canyon, Cassia and Payette Counties, ID and Malheur County, OR to points in AZ, for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper(s): Ore-Ida Foods, Inc., P.O. Box 10, Boise, ID 83707. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.*

MC 138875 (Sub-217TA), filed June 21, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as above). (1)

Chemicals and (2) prepared food and beverage mixes in containers, except commodities in bulk, from (1) Clinton, IA to points in CA, OR and WA; (2) Gallipolis Ferry, WV, to Grand Junction, CO; and (3) Wilmington, CA to Lovell, KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Foremost-McKesson, Inc., Crocker Plaza, One Post Street, San Francisco, CA 94104. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.

MC 138875 (Sub-224TA), filed July 18, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same address as above). *Wallboard, from Heath, MT to points in ID, OR and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): U.S. Gypsum Company, 525 S. Virgil Ave., Los Angeles, CA 90020. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.*

MC 139495 (Sub-476TA), filed July 10, 1979. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. *Paper and paper products, from West Point, VA to points in DE, MD, PA, NY, NJ, CT, MA, RI, NH, VT, ME, MI, OH, IN, IL, IA, KY, TN, MO, KS, AR, OK, TX, WI and MN (restricted to traffic originating at and designated to), for 180 days, common, irregular. Supporting shipper(s): The Chesapeake Corp. of VA, P.O. Box 311, West Point, VA 23181. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.*

MC 139504 (Sub-4TA), filed June 15, 1979. Applicant: SHEA/RUSTIN TRANSPORT CO., P.O. Box 93567, Martech Sta., Atlanta, GA 30318. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. *Contract carrier; irregular routes: (1) tempered flat glass from the facilities of Temp Glass Eastern at or near Norcross, GA to points in FL, GA, SC, NC, AL, KY, VA, TN, AR, TX, MO, MI, OH, MS, LA and NY, (2) materials, equipment and supplies used in the manufacture, distribution and sale of tempered flat glass (except in bulk), from points in PA, MO, TX, NC, OH, TN, OK and MI to the facilities of Temp Glass Eastern at or near Norcross, GA, restricted to the transportation performed under a continuing contract or contracts with Temp Glass Eastern of Norcross, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Temp Glass Eastern, P.O. Box 928, Blue*

Ridge Industrial Park, Norcross, GA 30091. Send protests to: T/A Sara K. Davis, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 139934 (Sub-5TA), filed July 12, 1979. Applicant: ALL SOUTHERN TRUCKING, INC., 1909 East Hemlock Ave., P.O. Box 2698, Tampa, FL 33601. Representative: Anthony T. Maniaci (same address as applicant). *General commodities (except commodities of unusual value, Class A & B explosives, household goods, and commodities requiring special equipment) in containers or trailers and empty containers and trailers having an immediately prior or subsequent movement by water between Savannah, GA, on the one hand, and points in GA and FL, on the other hand; and between Jacksonville and Miami, FL, on the one hand, and points in FL, on the other hand for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are five supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Donna M. Jones, T/A, ICC—BOp, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33186*

MC 140024 (Sub-155TA), filed July 16, 1979. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Don Bryce (same address as applicant). *Fresh meats from Cactus, TX to points in NJ and NY for 180 days. Underlying ETA filed seeking 30 days only. Supporting shipper(s): Swift and Company, 115 W. Jackson Blvd., Chicago, IL 60604. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.*

MC 140104 (Sub-10TA), filed June 11, 1979. Applicant: TOLEDO FREIGHT LINES, INC., 4060 Fitch Rd., Toledo, OH 43613. Representative: Jerry B. Sellman, 50 Broad St., Columbus, OH 43215. *Contract carrier; irregular routes: Such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, except commodities in bulk, from Indianapolis, IN to points in AR, CA, GA, IL, IN, KY, MI, MO, OH, PA on and west of US Hwy 219, TN, TX, VA and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Kroger Co., 1014 Vine St., Cincinnati, OH 45202. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.*

MC 140334 (Sub-2TA), filed July 16, 1979. Applicant: AM-CAN TRANSPORT SERVICE, INC., P.O. Box 859, Anderson, SC 29621. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver, CO

80202. *Contract carrier; irregular routes; Tires, and materials, equipment, and supplies used in the manufacture, distribution and production of tires (except commodities in bulk, in tank vehicles).* (1) Between the Dothan, AL commercial zone on the one hand, and, on the other, Spartanburg, Greenville, Sandy Springs and Charleston, SC; Atlanta, GA; Jacksonville, FL and Ports of Entry on the United States-Canada Boundary Line located in ME; (2) Between the Spartanburg, SC commercial zone on the one hand, and, on the other, Ports of Entry on the United States-Canada Boundary Line located in Maine. RESTRICTIONS: (1) Restricted to the transportation of traffic originating at or destined to the facilities of Michelin Tire Corporation. (2) Restricted to a transportation service to be performed under a continuing contract, or contracts with Michelin Tire Corporation of New York, NY. Supporting shipper(s): Michelin Tire Corporation, P.O. Box 2846, Greenville, SC 29602. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 140484 (Sub-50TA), filed July 16, 1979. Applicant: LESTER COGGINS TRUCKING, INC., 2671 E. Edison Ave., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). *Computing scales (except commodities which because of size or weight requires heavy and specialized equipment)* from the facilities of Reliance Electric Company at or near Columbus and Worthington, OH to Charlotte, NC and Spartanburg, SC for 180 days. Supporting shipper(s): Reliance Electric Company, 220 Eastview Dr., Brooklyn Heights, OH 44131. Send protests to: Donna M. Jones, T/A, ICC—BOP, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 140744 (Sub-14TA), filed July 18, 1979. Applicant: ARCTIC AIR TRANSPORT, INC., 103 N. Eau Claire St., Mondovi, WI 54755. Representative: Stanley Olsen, Jr., 4601 Excelsior Blvd., Minneapolis, MN 55416. *Meat, meat products, meat by-products and articles distributed by meat packinghouses (except hides) and frozen prepared foods*, between Eau Claire, WI on the one hand, and on the other, points in the Chicago, IL, Commercial Zone, for 180 days. Supporting shipper(s): Armour & Company, 313 N. Hastings Way, Eau Claire, WI 54701. Send protests to: Judy Olson, TA, ICC, 414 Federal Bldg., 110 S. 4th St., Minneapolis, MN 55401.

MC 140755 (Sub-66TA), filed July 13, 1979. Applicant: BRAY TRANSPORTS, INC., 1401 N. Little Street, P.O. Box 270,

Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant). *Liquid sugar and blends of liquid sugar and corn syrup*, in bulk, in tank vehicles, from Muncie, KS, to points in OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Amalgamated Sugar Company, P.O. Box 1520, Ogden, UT 84402. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 140484 (Sub-49TA), filed July 18, 1979. Applicant: LESTER COGGINS TRUCKING, INC., 2671 E. Edison Ave., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). (1) *Malt beverages (except in bulk in tank vehicles) and related advertising materials*, from the facilities of Miller Brewing Company at or near Albany, GA to points in AL, FL, NC, and SC; (2) *Empty bottles, cans, cases, and cartons*, from points in IN, OH, PA, NJ, and NY to the facilities of Miller Brewing Company at or near Albany, GA for 180 days. Supporting shipper(s): Miller Brewing Company, 3939 West Highland Blvd., Milwaukee, WI 53208. Send protests to: Donna M. Jones, T/A, ICC—BOP, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 141054 (Sub-6TA), filed July 19, 1979. Applicant: B & B PACKING TRANSPORT, LTD., 2608 South 24th Street, Council Bluffs, Iowa 51501. Representative: J. Michael May, Suite 508, 1447 Peachtree Street, N.E., Atlanta, Georgia 30309. *Contract carrier, over irregular routes: Meat and Packinghouse products* from the facilities of Iowa Beef Processors, Inc. at or near Denison, Fort Dodge and Sioux City, IA; Dakota City and West Point, NE; and Luverne, MN to points in AL, FL, IL, IN, MD, ME, MI, MN, NY, OH, PA, SC, SD and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Iowa Beef Processors, Inc., Dakota City, NE 68731. Send protests to: D/S Carroll Russel, Suite 620, ICC, 110 North 14th St., Omaha, NE 68102.

MC 141124 (Sub-46TA), filed May 10, 1979. Applicant: EVANGELIST COMMERCIAL CORPORATION, P.O. Box 15000, Wilmington, DE 19850. Representative: Muldoon, Pemberton & Ferris, 50 W. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers or converters of paper and paper products, except in bulk*, between Coston, MA, on the one hand, and on the other, points in the United States (except AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Diamond International, 733 Third Ave.,

New York, NY 10017. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 141804 (Sub-254TA), filed July 13, 1979. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). *Cleaning compounds, soaps, bleaches, and washing detergents (except in bulk)*, from Edgewater, Lynhurst and Patterson, NJ, to Los Angeles County, CA, for 180 days. Restricted to traffic originating at the facilities of Pariser Industries. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Pariser Industries, 1010 Clifton Avenue, Clifton, NJ 07013. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 141804 (Sub-255TA), filed July 17, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffmann (same address as applicant). *Hand tools, drill presses, vises bench grinders (except commodities which because of their size and weight require special equipment)*, from the facilities of Allied Wholesale, Inc., in Van Nuys, CA to all points in and east of ND, SD, NE, KS, OK, and TX, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Allied Wholesale, Inc., d.b.a. Allied International, 15071 Keswick Street, Van Nuys, CA 91405. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 141804 (Sub-256TA), filed July 20, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffmann (same address as applicant). *Bakery products*, from Nabisco Distribution Centers, Chicago, IL, to destinations in the states of CA, OR, WA, AZ, and NV, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Nabisco Inc., East Hanover, NJ 07936. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 141804 (Sub-257TA), filed July 13, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffmann (same address as applicant). *Glass and glass products*, from the facilities of PPG Industries, Inc., located at or near South Greensburg, PA, to WA, OR, CA, AZ, NV, WY, UT, MT, ID, NM, and CO, for 180 days. An underlying ETA seeks up to 90 days operating authority.

Supporting shipper(s): PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 141804 (Sub-258TA), filed July 13, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffmann (same address as applicant). *Foodstuffs, materials, equipment and supplies used in the manufacture of foodstuffs*, between the plantsite of Douglas Foods, Inc., at or near Douglas, GA, on the one hand, and, on the other, points in the U.S. in and west of ND, SD, NE, KS, OK, and TX (except AK and HI), for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Douglas Foods, Inc., P.O. Box 1208, Douglas, GA 31533. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 141945 (Sub-1TA), filed July 17, 1979. Applicant: LOWER FULTONVILLE TRUCKING COMPANY, INC., 120 Ashford Street Allston, MA 02134. Representative: Robert Rothberg, Choate, Hall & Stewart, 60 State Street, Boston, MA 02109. *Contract carrier; irregular routes; malt beverages, in containers from Radisson (Syracuse), NY to Lynn, Haverhill & Shirley, MA.* For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s) Bay State Beverages, Inc., 189 Alley Street, Lynn, MA 01905. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

MC 142215 (Sub-1TA), filed May 25, 1979. Applicant: DUKE TRANSPORTATION, INC., 1106 N. University, Lafayette, LA 70506. Representative: Justin P. Duke (same address as applicant). Applicant is seeking authority to operate as a *common carrier over irregular routes transporting oilfield equipment and supplies pursuant to the Mercer description between points in LA, TX, and MS on the one hand, and on the other, points in the above named states*, for 180 days. Applicant has filed an underlying ETA for 90 days. Supporting shipper(s): Power Rig Drilling Co., Inc., 503 Pinhook St., P.O. Box 52808, Lafayette, LA 70505. Send Protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 142464 (Sub-6TA), filed May 4, 1979. Applicant: JOHN M. CHRISTOPHER, 3444 McCarty Lane, Lafayette, IN 47905. Representative: Brent E. Clary, 68 Lafayette Bank and Trust Bldg., Lafayette, IN 47902.

Contract carrier; irregular routes; iron and steel articles, between points in IN, IL, that portion of St. Louis Commerical Zone which is in MO, KY, MI, except the upper peninsula and OH, for 180 days. Under contract with Midwest Division of National Steel Corporation at Portage, IN. Supporting shipper: Midwest Division of National Steel Corporation, P.O. Box 1, Portage, IN 46368. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 142545 (Sub-3TA), filed May 17, 1979. Applicant: DICK TAZER TRUCKING, INC., 1635 N. W. Mall, Issaquah, WA 98027. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055. *Contract carrier; irregular routes; shortening*, from Vernon, CA to points in OR and WA for the account of Continental Commodities, Inc., for 180 days. Supporting shipper(s): Continental Commodities, Inc., 2750 Jewel Ave., Vernon, CA 90058. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 142715 (Sub-60TA), filed July 5, 1979. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). *Fresh and frozen meat (except commodities in bulk from south St. Paul, MN to New York, NY and points in its commercial zone, Cohoes, NY and Philadelphia, PA and points in its commercial zone*, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sunstar foods, Inc., Beef Division, 425 South Concord Street, St. Paul, MN 55075. Send protests to: District Supervisor, ICC, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 142715 (Sub-61TA), filed July 3, 1979. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same as applicant). *Foodstuffs (except commodities in bulk, from Beloit, WI, to Austin MN, for 180 days. Restricted to traffic originating at Beloit, WI, and destined to Austin, MN.* An underlying ETA seeks 90 days authority. Supporting shipper(s): George A. Hormel and Company, Supervisor, Motor Carrier Services, P.O. Box 800, Austin MN 55912. Send protests to: District Supervisor, ICC, 414 Federal Building, and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 142715 (Sub-65TA), filed July 10, 1979. Applicant: LENERTZ INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). *Meat, meat products, meat by-products, articles*

distributed by meat packinghouses (except hides and commodities in bulk) and materials and supplies used by meat packers in the conduct of their business (except commodities in bulk) from Postville, Cherokee, Storm Lake and Sioux City, IA and Omaha, NE to points in the U.S. in and east of WI, IL, KY, TN and AL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hygrade Food Products Corporation, P.O. Box 4771, Detroit, MI 48219. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 142864 (Sub-22TA), filed July 9, 1979. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, OH 44646. Representative: Jerry B. Sellman, 50 West Broad St., Columbus, OH 43215. *Foodstuffs, (except in bulk) in vehicles equipped with mechanical refrigeration*, from the facilities of Kraft, Inc. at Allentown, PA to points in OH and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kraft, Inc., 500 Peshtigo Court, Chicago, IL 60690. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 142965 (Sub-3TA), filed April 5, 1979. Applicant: R. C. CORPORATION, 100 California Avenue, Reno, NV 89509. Representative: Reese H. Taylor, Esq., 402 North Division Street, Carson City, NV 89701. *Contract carrier; irregular routes; beer, wine, alcoholic beverages and related items from points in Los Angeles, San Francisco, San Mateo, Napa, Sonoma, San Joaquin, Fresno, and Alameda Counties, CA to Reno, N, and rejected or returned shipments from Reno, NV to the above-listed counties in the state of CA for the account of Lucie & Son, Inc., for 180 days.* Supporting shipper(s): Luce & Son, Inc., 670 E. 6th Street, Reno, NV 89502. Send protests to: W. J. Huetig, DS, ICC, 203 Federal Bldg., 705 N. Plaza St., Carson City, NV 89701.

MC 143154 (Sub-6TA), filed July 11, 1979. Applicant: ARTHUR E. PAMIN, JR. and STEVEN V. BIDLAK d.b.a., A & S TRUCKING, 1408 Lakeside Drive, Lolo, MT 59847. Representative: Charles A. Murray, Jr., 207 Behner Bldg., 2822 Third Ave. North, Billings, MT 59101. *Malt beverages, in containers*, from points in OR to points in WA, ID, NV, CA, AZ, UT, CO, WY, MT, NM and those points in OR requiring a movement across Washington State line, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 10 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests

to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 143374 (Sub-4TA), filed July 5, 1979. Applicant: DENNIS J. DURBIN, d.b.a. DURBIN TRANSPORT, 12400 Goodhill Rd., Wheaton, MD 20906. Representative: H. Neil Garson, 3251 Old Lee Hwy., Suite 400, Fairfax, VA 22030. *Contract carrier; irregular routes; brick, firebrick, flue lining, from Waynesboro, Midvale and Malvern, OH to points in Anne Arundel, Baltimore, Frederick, Howard, Montgomery and Prince George Counties, MD and Fauquier, Loudoun, Prince William, Stafford, Arlington, and Fairfax Counties, VA and Washington, DC for 190 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Masonry Materials & Services, Inc., 13119 Collinswood Ter., Silver Spring, MD. Thomas W. Perry, Inc., 8519 Conn. Ave., Chevy Chase, MD. L. C. Smith, Inc., 5920 Farrington Ave., Alexandria, VA 22304. United Materials & Ser. Inc., 129 Park St., NE., Vienna, VA 22180. Entwistle's Conc. Block, Inc., 3709 Forestville, Rd., Forestville, MD. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.*

MC 143374 (Sub-5TA), filed July 5, 1979. Applicant: DENNIS J. DURBIN, d.b.a. DURBIN TRANSPORT, 12400 Goodhill Rd., Wheaton, MD 20906. Representative: H. Neil Garson, 3251 Old Lee Hwy., Suite 400, Fairfax, VA 22030. *Contract carrier; irregular routes; bricks, from Gary Ferry Brick Co., at Franklinville, NJ to points in Montgomery, Prince Georges, Queen Annes, Calvert, Frederick, Anna Arundel, Baltimore Counties, MD; Arlington, Fairfax, Fauquier, Loudoun, Prince William Counties, VA; and Washington, DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Masonry Materials & Service, Inc., 13119 Collingwood Terrace, Silver Spring, MD 20904. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.*

MC 143995 (Sub-20TA), filed June 22, 1979. Applicant: SLOAN TRANSPORTATION, INC., 6522 W. River Dr., Davenport, IA 52802. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Contract authority—Such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses (except commodities in bulk), from Davenport, IA to points in the St. Louis, MO commercial zone, under continuing contract(s) with Ralston Purina Company for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ralston Purina Company,*

Checkerboard Square, St. Louis, MO 63188. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 144315 (Sub-4TA), filed May 22, 1979. Applicant: PORT CITY LEASING, INC., 602 20th Street N., Lewiston, ID 83501. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009. *Lumber and lumber products, from points in Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis and Nez Perce, Counties, IA and Asotin, Spokane and Stevens Counties, WA to points in MN, MT, NE, ND, SD, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Clearwater Forest Industries, P.O. Box 96, Kooskia, ID 83539; Giddings Lumber Company, Inc., P.O. Box 16363, Denver, CO 80216; Bennett Lumber Products, P.O. Box 49, Princeton, ID 83857; Del Daley Forest Products, P.O. Box 2346, Portland, OR 97223. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.*

MC 144484 (Sub-6TA), filed June 27, 1979. Applicant: FREIGHTWAYS, INC., 438 East 2nd Street, Eldon, MO 65026. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. (1) Electric motors, (2) electric motors with blowers, (3) materials and supplies (except commodities in bulk) used in the manufacture and distribution of the commodities in (1) and (2), and (4) iron and steel articles, between Eldon, MO, on the one hand, and, on the other, points in AL, AR, GA, IL, IA, IN, KS, MI, MS, NE, NY, OH, OK, PA, TN, TX and WI, for 180 days. Supporting shipper(s): Fasco Industries, Inc., 1600 West Jackson, Ozark, MO 65721. Send protests to: John V. Barry, D/S, Interstate Commerce Commission, Room 600 Federal Bldg., 911 Walnut Street, Kansas City, MO 64106.

MC 144884 (Sub-4TA), filed May 23, 1979. Applicant: ARTHUR E. JOHNSTON AND MICHAEL A. JOHNSTON, d.b.a. JOHNSTON TRUCKING, P.O. Box 325, Spearfish, SD 57783. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. *Iron and steel articles from the facilities of Jones & Laughlin Steel Corp. at Youngstown, OH to points in CO, ID, IA, MN, ND, SD, UT, and WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jones & Laughlin Steel Corp., Room 121, 1600 W. Carson St., Pittsburgh, PA 15263. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.*

MC 145005 (Sub-3TA), filed May 31, 1979. Applicant: U & I INCORPORATED d.b.a. U & I INCORPORATED

TRUCKING DIVISION, 709 East South Temple, P.O. Box 2010, Salt Lake City, UT 84110. Representative: Floyd W. Johnson (same address as applicant). *Contract carrier: Irregular routes: Items manufactured and/or processed by Gourmet Food Products, Inc., and items and supplies used in the operation, expansion and repair of its facilities; and potatoes, between points in OR and WA. Supporting shipper(s): Gourmet Food Products, Inc., P.O. Box 2365, Pasco, WA 99301. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.*

MC 145054 (Sub-24TA), filed July 11, 1979. Applicant: COORS TRANSPORTATION COMPANY, 5101 York Street, Denver, CO 80216. Representative: David E. Driggers, 1660 Lincoln Street, Denver, CO 80264. *Foodstuffs and materials and supplies used in the sale and distribution thereof, from Houston, TX to (1) Albuquerque, NM and (2) Denver and Colorado Springs, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Nabisco, Inc.—Biscuit Division, East Hanover, NJ 07936. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.*

MC 145054 (Sub-25TA), filed July 19, 1979. Applicant: COORS TRANSPORTATION COMPANY, 5101 York Street, Denver, CO 80216. Representative: David E. Driggers, 1660 Lincoln Street, Denver, CO 80264. *Chilled juices, from Anaheim, CA to Denver and Grand Junction, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Doric Foods Corporation, Division of Coca-Cola, P.O. Box 986, Robie Avenue, Mt. Dora, FL 32757. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.*

MC 145054 (Sub-26TA), filed June 27, 1979. Applicant: COORS TRANSPORTATION COMPANY, 5101 York Street, Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln Street, Denver, CO 80264. *Foodstuffs and pet food, from the facilities of Carnation Company at Elwood, KS and St. Joseph, MO to points in the State of CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Carnation Company, 5045 Wilshire Blvd., Los Angeles, CA 90036. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.*

MC 145054 (Sub-27TA), filed June 25, 1979. Applicant: COORS TRANSPORTATION COMPANY, 5101 York Street, Denver, CO 80216. Representative: Leslie R. Kehl, 1660

Lincoln Street, Denver, CO 80264. *Foodstuffs* (except in bulk) from the facilities of Sunmark, Inc. located at St. Louis, MO to Kansas City, KS, Lincoln and Omaha, NE and points in CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Sunmark Companies, 10795 Watson Rd., St. Louis, MO 63127. Send protests to: H. Ruoff, 492 New Customs House, Denver, CO 80202.

MC 145224 (Sub-3TA), filed April 12, 1979. Applicant: ALL-CAL TOURS, INC., 3638 Primrose Avenue, Santa Rosa, CA 95401. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. Telephone (415) 986-8696. *Passengers and their baggage, in the same vehicle with passengers, in charter operations*, beginning and ending at points in Placer, Sacramento and Yolo Counties, CA, and extending to points in Douglas and Washoe Counties, NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Nationwide Travel, 5311 Elkhorn Blvd, Sacramento, CA 95842; Bestway Travel, 8917 Greenback Lane, Orangevale, CA 95662. Send protests to: A. J. Rodriguez, DS, ICC, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 145224 (Sub-4TA), filed April 24, 1979. Applicant: ALL-CAL TOURS, INC., 3638 Primrose Ave., Santa Rosa, CA 95401. Representative: E. M. Johnson, Attorney at Law, 650 California St., Rm 2808, San Francisco, CA 94108. Telephone 415-986-8696. 180 days temporary authority, as common carrier by motor vehicle, over irregular routes, transport passengers and their baggage, in the same vehicle with passengers, in charter operations. Beginning and ending at Gridley, CA., and points in El Dorado, Nevada, Sutter and Yuba counties, CA, and extending to points in Douglas and Washoe counties, NV. Supporting shipper(s): Nationwide Travel, 5311 Elkhorn Blvd., Sacramento, CA 95842. Send protests to: A. J. Rodriguez, I.C.C. 211 Main St., suite 500, San Francisco, CA 94105.

MC 145224 (Sub-5TA), Filed June 21, 1979. Applicant: ALL-CAL TOURS, INC., 1415 Sebastopol Road, Santa Rosa, CA 95401. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. Phone (415) 986-8696. *Passengers and their baggage, in the same vehicle with passengers, in charter operations*, beginning and ending at points in Lake and Mendocino counties, CA, and extending to points in Douglas and Washoe counties, NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): After "40" Fun

Club, 328 Jones, Ukiah, CA 95482. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 145224 (Sub-6TA), filed June 29, 1979. Applicant: ALL-CAL TOURS, INC., 1415 Sebastopol Road, Santa Rosa, CA 95401. Representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA 94108. Phone: (415) 986-8696. *Passengers and their baggage, in the same vehicle with passengers, in special operations*, beginning and ending at points in Sacramento County, CA and extending to points in Douglas and Washoe Counties, NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mark Hoffman d.b.a. Sports Travel, 1257 Fulton Ave., #38, Sacramento, CA 95825. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 145375 (Sub-4TA), filed July 16, 1979. Applicant: H. D. EDGAR TRUCKING COMPANY, INC., Route 1, Box 48, Opp, AL 36467. Representative: Chester A. Zyblut, 366 Executive Building, 1030 15th Street NW., Washington, DC 20005. *Foodstuffs and materials, supplies and equipment used in the manufacture and distribution of foodstuffs* (except in bulk) between Douglas, GA on the one hand and on the other, points in TX, NM, AZ, CA, NV, UT, WA, OR, MT, ID, CO, OK, KS, NE, MO, IL, IN, MI, and OH, for 180 days. Supporting shipper(s): Douglas Foods Inc., P.O. Box 1208, Douglas, GA 31533. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 145664 (Sub-8TA), filed June 15, 1979. Applicant: STALBERGER, INC., 223 South 50th Avenue West, Duluth, MN 55806. Representative: Robert L. Kalenda, Hall, Byers, Hanson, Steil & Weinberger, 921 First Street North, St. Cloud, MN 56301. *Building material and cement pipe containing asbestos fibre and insulation board* from the plantsite of Johns Manville Sales Corp. at or near Waukegan, IL and from the plantsite of Johns Manville Perlite Corp. at or near Rockdale, IL to points in ND and SD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Johns-Manville Sales Corp., 2222 Kensington Court, Oak Brook, IL 60521. Send protests to: District Supervisor, ICC, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 145474 (Sub-1TA), filed July 20, 1979. Applicant: STAR SYSTEMS, INC., 12302 E. Wardman Street, Whittier, CA 90602. Representative: Miles L. Kavaller,

Mandel & Kavaller, 315 So. Beverly Drive, Suite 315, Beverly Hills, CA 90212. *Contract; irregular; vinyl and film sheeting*, from Lodi and Jamesburg, NJ and Everett, WA to Phoenix, AZ; Dallas, TX; and to the facilities of Goss Plastic Film Corporation in Los Angeles, CA, for 180 days. Supporting shipper(s): Goss Plastic Film Corporation, 107 W. 132nd Street, Los Angeles, CA 90061. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 145715 (Sub-3TA), filed April 26, 1979. Applicant: BELL TRUCKING, INC., 2504 Industrial Park Road, Van Buren, AR 72956. Representative: Elaine M. Conway, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. 1. *Meats, meat products, meat by-products and articles* distributed by meat packing houses, (except hides and commodities in bulk), from the facilities of Land O'Frost, Inc. at or near Searcy, AR, to points in AZ, CA and CO; and 2. (a) *Plastic film*; (b) *food processing machinery, and parts and attachments therefor*, and (c) *meats and meat products* (except hides and commodities in bulk), when moving in mixed truckloads with the commodities described in (a) and (b) above, between the facilities of Land O'Frost, Inc. at or near Lansing, IL and Hammond, IN on the one hand, and on the other hand the facilities of Land O'Frost, Inc. at or near Searcy, AR, for 180 days as a common carrier over irregular routes. Supporting shipper(s): Land O'Frost, Inc., 16850 Chicago Avenue, Lansing, IL 60438. Send protests to: William H. Land, Jr., D/S, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145904 (Sub-13TA), filed July 16, 1979. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Jack H. Blanshan, 205 West Touhy Avenue, Park Ridge, IL 60068. *Meats, meat products, meat by-products, and articles* distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions of Motor Carrier certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of Wilson Foods Corp. located at (1) Cedar Rapids, IA, and points in its commercial zone, to points in KS, MO, and NE (2) Marshall, MO and points in its commercial zone, to points in IL and (3) Omaha, NE, and points in its commercial zone, to points in IL and IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OK 73105. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145914 (Sub-2TA), filed July 18, 1979. Applicant: COASTAL TRUCK LINE, INC., How Lane, New Brunswick, NJ 08903. Representative: Herbert Burstein, Esq., One World Trade Center, New York, NY 10048. *Contract carrier*, irregular routes for 180 days. *Metal containers* from the facilities of Reynolds Metals Company at or near Woodbridge and Carteret, NJ to the facilities of Miller Brewing Co. at or near South Volney, NY. Supporting shipper(s): Reynolds Metals Company, P.O. Box 27003, Richmond, VA 23261. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 145935 (Sub-3TA), filed July 9, 1979. Applicant: ALL STATES TRANSPORTATION, INC., Rt. 1, Box 27, Fort Worth, TX 76179. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A, B and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of Swift & Company at or near Clovis NM; Guymon, OK; and Cactus, TX, to points in AL, FL, GA, NC, SC, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Swift & Company, 115 W. Jackson Blvd., Chicago, IL 60604. Send protests to: Martha A. Powell, T/A, ICC, Room 9A27, Federal Bldg., 819 Taylor Street, Fort Worth, TX 76102.

MC 146055 (Sub-3TA), filed July 12, 1979. Applicant: JOHN H. SCHUEMAN AND DENNY SCHUEMAN, d.b.a. DOUBLE "S" TRUCK LINE, 425 Livestock Exchange Building, Omaha, NE 68107. Representative: James F. Crosby, P.O. Box 37205, I-80 and Highway 50, Omaha, NE 68137. *Meats and packinghouse products* from Omaha, NE to points in CA, FL, GA, KS, LA, MD, MA, MI, MO, NH, NJ, NY, OH, OK and PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Packing Company of Omaha, 4501 South 37th Street, Omaha, NE 68107. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 145974 (Sub-4TA), filed July 12, 1979. Applicant: HIDATCO, INC., P.O. Box 356, New Town, ND 58763. Representative: Richard P. Anderson, 502 1st National Bank Bldg., Fargo, ND 58126. *Contract carrier*; irregular routes: *Lumber and wood products*, (1)(a) From North St. Paul, MN, to ND and SD, and (b) from WA, OR, ID, MT and CA to ND, SD and MN, under contract with Gibbs

Lumber Co., and (2) from WA, OR, ID, MT and CA to MN, under contract with Midwest Lumber Associates, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Midwest Lumber Associates, Inc., 6875 Washington Avenue South, Minneapolis, MN, 55435; Gibbs Lumber Co., 2631 University Avenue, St. Paul, MN 55114. Send protests to: H. E. Farsdale, DS, ICC, Bureau of Operations, Room 268 Fed. Bldg. and U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 146395 (Sub-3TA), filed July 11, 1979. Applicant: W. C. PITTS CONSTRUCTION CO., INC., Hwy 84W., P.O. Box 112, Waynesboro, MS 39637. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. *Contract carrier*; irregular routes: *Lumber, poles, piling, timbers, cross-ties and wood residuals* from the facilities of Longleaf Forest Products, Inc., at Waynesboro, MS to points in Texas, for the account of North Pacific Lumber Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): North Pacific Lumber Co., P.O. Box 3915, Portland, OR 97208. Send protests to: Alan C. Tarrant, D/S, ICC, Rm 212, 145 E. Amite Bldg., Jackson, MS 39201.

MC 146535 (Sub-1TA), filed April 2, 1979. Applicant: NEAR TRUCKING, INC., P.O. Box 53, Fort Bridger, WY 82933. Representative: James E. Phillips, Attorney at Law, Evanston, WY 82930. *Mine and mill supplies, equipment, materials and machinery*, between points in Salt Lake, Davis, Utah and Weber Counties, UT, and Unita, Lincoln, Sweetwater and Sublette Counties, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are eight shippers. Their statements may be examined at the office listed below, or at Headquarters. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Rm. 105, Federal Bldg. and Court House, 111 South Wolcott, Casper, WY 82601.

MC 146774 (Sub-1TA), filed July 13, 1979. Applicant: ARTHUR F. COOPER, d.b.a. COOPER BOAT MOVING CO., 1664 W. 9th Street, Long Beach, CA 90813. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA. 90010. *Yachts, boats and component parts and equipment related to yachts and boats*, between points in CA, WA and OR, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Broad Avenue Boat Works, 543 North Broad Avenue, Wilmington, CA; Radovich Boat Works, Inc., 843 Watson Avenue, Wilmington, CA;

Yorktown Yachts, Inc., 701 Sanford Ave., Wilmington, CA. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 146704 (Sub-3TA), filed July 16, 1979. Applicant: FALCON MOTOR TRANSPORT, INC., 1250 Kelly Ave., Akron, OH 44316. Representative: Michael L. Moushey, 275 E. State St., Columbus, OH 43215. *Contract carrier*, irregular routes: *Such commodities as are dealt in and sold by do-it-yourself home centers and materials, equipment, and supplies used in the conduct of such business*, between Akron, Canton, Cleveland, Columbus, Hudson, Kent, Macedonia, and Mentor, OH, on the one hand, and, on the other, points in CT, MA, MD, NJ, NY, PA, RI, and WV, for 180 days, under continuing contract(s) with Forest City Products, Division of Forest City Enterprises, Inc. An underlying ETA seeks 90 days authority. Supporting shipper(s): Forest City Division of Forest City Enterprises, Inc., 10800 Brookpart Rd., Cleveland, OH 44130. Send protests to: D/S, ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 146804 (Sub-2TA), filed May 3, 1979. Applicant: ROYCE WRIGHT d.b.a. R. J. WRIGHT & SONS, RR 3, Box 259, Portland, IN 47371. Representative: Royce Wright (same address as applicant). *Fertilizer and fertilizer ingredients* to, from and between points in Indiana and Ohio for 180 days. Supporting shipper(s): Vistron Corporation, 314 Midland Bldg., Cleveland, OH 44115, Ridgeville Farms Service, 101 East 5th, Ridgeville, IN, and USS Agri-Chemical, Box 69, Saratoga, IN 47382. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Indianapolis, IN 46204.

MC 146854 (Sub-1TA), filed May 21, 1979. Applicant: MIDWESTERN AIR FREIGHT EXPRESS, INC., 5200 S. Yale, Tulsa, OK 74135. Representative: Fred Leatherland (same address as applicant). *General commodities*, air freight only, between Tulsa and Oklahoma City, OK and Dallas and Houston, TX and commercial zones thereof, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Arthur J. Fritz & Co., 1555 N. 107th E. Ave., Tulsa, OK 74116; Behring International, Inc., 1871 N. 106th E. Ave., Tulsa, OK 74116; Rea-Tan, Inc., 10544 E. Pine, Tulsa, OK 74116; Circle Airfreight Corp., P.O. Box 51084, Tulsa, OK 74151. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240, Old Post Office and Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 146855 (Sub-3TA), filed June 26, 1979. Applicant: JOEL WEHRMAN, Rt. 2, Box 2011, Selah, WA 98942. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055. *Contract, irregular, plastic packaging articles and materials and supplies used in the production of plastic packaging articles between points in UT on the one hand, and on the other, points in AR, CA, IA, ID, MT, OR, and WA restricted to the transportation of traffic originating at or destined to the facilities of Western Foam Pak, Inc., of Yakima, WA. Supporting shipper(s): Western Foam Pak, Inc., 1111 N. 20th Ave., Yakima, WA 98902. Send protests to: R. V. Dubay, D/S, ICC, 114 Pioneer Courthouse, Portland, Oregon 97204.*

MC 146874 (Sub-1TA), filed June 1, 1979. Applicant: PALWOOD TRANSPORTATION, INC., 4017 Sunnyside Rd., Woodstock, IL 60098. Representative: Robert H. Levy, 29 S. LaSalle St., Suite 740, Chicago, IL 60603. (1) *sand, gravel, limestone and limestone products, building materials and contractor's supplies, from points in WI to points in IL; (2) waste and scrap materials, between points in IL, IN, WI, MO, KY, MN, IA and OH for 180 days. An E.T.A. has been granted for 90 days. Supporting shipper(s): Eight Supporting Shippers. Send protests to: Dave Hunt, T/A, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.*

MC 147105 (Sub-1TA), filed May 15, 1979. Applicant: GERSHMAN PRODUCE CO., LTD., 792 Campbell Street, Winnipeg, Manitoba, Canada R3N 1C6. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. (1) *Agricultural commodities, the transportation of which is otherwise exempt from economic regulation under Subtitle IV of 49 USC 10526 (formerly Section 203(b)(6) of the Interstate Commerce Act), when moving at the same time and in the same vehicle with the commodities named in (2) below, and (2) Boats, when moving at the same time and in the same vehicle with the commodities named in (1) above, from Little Rock, AR and Vivian, LA, to points on the International Boundary Line between the United States and Canada at points in MN and ND, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dufort Distributors Ltd., 15 Bannister Road, Winnipeg, MB, Canada R2R 0P2. Send protests to: Harold E. Farsdale, DS, ICC, Room 268, Fed. Bldg., 657 2nd Avenue North, Fargo, ND 58102.*

MC 147225 (Sub-1TA), filed July 9, 1979. Applicant: BOBBY RAYMOND TRUCKING, INC., 2202 W. McDowell Rd., Phoenix, AZ 85005. Representative:

Doug W. Sinclair (same address as applicant). *Foodstuffs, including candy, breakfast bars, and snack food items, from the facilities of the Sunmark Companies (1) from Itasca, IL and St. Louis, MO to points in the states of AZ, CA, CO, NM, NV, OR, TX, UT, WA, and (2) from Itasca, IL to St. Louis, Mo (See Exhibit III), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: The Sunmark Companies, 10795 Watson Rd., St. Louis, MO 63127. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025. Supporting shipper(s): The Sunmark Companies, 10795 Watson Rd., St. Louis, MO 63127. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.*

MC 147234 (Sub-1TA), filed July 9, 1979. Applicant: J & J TRUCKING CO., 2841 S. 8th St., Ironton, OH 45638. Representative: Stephen C. Fitch, 140 E. Town St., Columbus, OH 43215. *Contract-carrier; irregular routes: Bark, sawdust, woodchips, and residue, from Man and Kenova, WV to Chillicothe, OH, along West Virginia Route 10 to I-64 to U.S. 52 to U.S. 23 and return under continuing contract(s) with Hamer Lumber Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hamer Lumber Co., P.O. Box 418, Kenova, WV 25530. Send protests to: D/S ICC, 101 N. 7 St., Philadelphia, PA 19106.*

MC 147255 (Sub-1TA), filed June 20, 1979. Applicant: RAYMOND LOUIS WISEMAN AND LUCILLE WISEMAN, d.b.a. WISEMAN AUTO SALES, P.O. Box 349, Eldon, MO 65026. Representative: James M. Duckett, 927 Pyramid Life Bldg., Little Rock, AR 72201. *Used cars and trucks, by truck-away method, between all points in AR, MO, OK, TX, LA, GA, AL, MS, TN, KY, IN, IL, KS and FL, for 180 days. Supporting shipper(s): Supporting shippers' statements can be viewed in Washington, DC or in District Office. Send protests to: John V. Barry, D/S, Interstate Commerce Commission, Room 600 Federal Bldg., 911 Walnut Street, Kansas City, MO 64106.*

MC 147275 (Sub-1TA), filed May 14, 1979. Applicant: K W EXPRESS, INC., 6576 Belding Road. Representative: Edwin M. Snyder, Sullivan & Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. *New Electrical and gas appliances and materials, equipment and supplies used in the manufacturing of these products; between the facilities of White Consolidated Industries Inc. located at or near Belding, Greenville, and Grand Rapids, MI on the one hand and on the*

other, points in the states of OH, IN, IL, and KY. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Greenville Products Corporation, 635 West Charles Street, Greenville, MI 48838. Send protests to: C. R. Flemming, D/S ICC, 225 Federal Building, Lansing, MI 48933.

MC 147305 (Sub-1TA), filed June 25, 1979. Applicant: CAPITAL CITY COACH CO., INC., 1341 G Street, N.W., Washington, D.C. 20005. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Springs, MD 20910. *Passengers and their baggage in the same vehicle with passengers, in charter operations, beginning and ending at points in the DC commercial zone and extending to points in AL, CT, DE, FL, GA, IN, IL, KY, LA, MA, MD, ME, MI, MS, NC, NJ, NH, NY, OH, PA, RI, SC, TN, VA, WV, & WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Creative Bus Tours, Inc., 1341 G Street N.W., Washington, D.C. 20005. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila, PA 19106.*

MC 147334 (Sub-1TA), filed July 12, 1979. Applicant: ROBERT J. SALZ, 3446 Longview Road, Erie, CO 80516. Representative: Raymond M. Kelley, Esq., 450 Capitol Life Center, Denver, CO 80203. *Malt beverages in containers and empty containers and pallets on return from points in St. Paul, MN; St. Louis, MO; Omaha, NE and Peoria, IL to Laramie, WY and Pueblo, CO for 180 days. Underlying ETA filed seeking 90 days authority. Supporting shipper(s): Smith Beverages, P.O. Box 1206, 201 Harney St., Laramie, WY 82070; Pueblo Bottling, Inc., 1600 N. Erie, Pueblo, CO 81001. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.*

MC 147344 (Sub-1TA), filed July 5, 1979. Applicant: RED'S EXPRESS, INC., 309 Beach St., Modesto, CA 95354. Representative: T. Ravey, 518 Santa Clara Ave., Alameda, CA 94501. *Common carrier; regular routes; General commodities except: (1) Automobiles, trucks and buses (2) Livestock (3) Liquids or compressed gases in bulk or in tank trucks (4) Bulk commodities in dump trucks (5) Logs: from, to, and between all points and places located on the following described routes: On State Hwy 99 from Merced, CA to Yuba City, CA; On State Hwy 59 to Merced, CA to State Hwy 152; On State Hwy 152 from jct. State Hwys 59/152 to Los Banos, CA; On State Hwy 33 from Los Banos, CA to Tracy, CA; On US Interstate Hwy 5 from Tracy, CA to Stockton, CA; On State Hwy 108 from Modesto, CA to Mi-Wuk Village, CA; On State Hwy 49 from Moccasin, CA to*

Nevada City, CA; On State Hwy 4 from Altaville, CA to Stockton, CA; On State Hwy 88 from Jackson, CA to Stockton, CA; On State Hwy 104 from Lone, CA to State Hwy 88; On US Hwy 50 from Sacramento, CA to Stateline, NV; On State Hwy 89 from Truckee, CA to Jct. Hwys 50/89; On State Hwy 28 from Tahoe City, CA to Crystal Bay, NV; On US Interstate Hwy 80 from Sacramento, CA to Truckee, CA; On State Hwy 20 from Grass Valley, CA to Yuba City, CA; On State Hwy 65 from Marysville, CA to Roseville, CA, for 180 days. Supporting shipper(s): Jack Coe's Diagnostic & Tune Up, Highway 50, South Lake Tahoe, CA. Send protests to: D/S N. C. Foster, 211 Main—Suite 500, San Francisco, CA 94105.

MC 147414 (Sub-1TA), filed July 9, 1979. Applicant: GARY A. REESE, d.b.a. GARY REESE TRUCKING, RR 3, Albert City, IA 50510. Representative: D. Douglas Titus, Suite 510, Benson Building, Sioux City, IA 51101. *Sand, gravel, ag-lime, aggregates, crushed stone and road and dam building materials* from Gilmore City, IA to Sioux Falls, SD for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Midwest Limestone Co., Inc., Box 281, Gilmore City, IA 50541. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 147425 (Sub-1TA), filed May 22, 1979. Applicant: LLOYD CHRISTENSEN, d.b.a. LLOYD'S TIRE SERVICE, E. 503—Second, Spokane, WA 99202. Representative: Donald A. Ericson, 708 Old National Bank Bldg., Spokane, WA 99201. *Contract carrier: irregular routes: (1) Plastic scraps, from the facilities of Sound Manufacturing, Inc., at Kent, WA to McMinnville, OR, and Pico Rivera, Redlands, Carson, and LaMirada, CA; (2) plastic sheets, from McMinnville, OR, Pico Rivera, Redlands, Carson, and LaMirada, CA to the facilities of Sound Manufacturing, Inc., at Kent, WA and (3) finished plastic products, from the facilities of Sound Manufacturing, Inc. at Kent, WA to Portland, Salem and McMinnville, OR, for 180 days. Supporting shipper(s): Sound Manufacturing, Inc., 5438 South 228th, Kent, WA 98031. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.*

MC 147454 (Sub-1TA), filed June 18, 1979. Applicant: JAMES CONDOSTA, 807 Exeter Ave., West Pittston, PA 18643. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. *Scrap metal in dump type vehicles* from Ellenville, NY to Easton and Milton, PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s):

Ellenville Scrap & Iron, Ellenville, NY, and Wagner Trading, Box 31, Milton, PA. Send protests to: L.C.C., Fed. Res. Bank Bldg., 101 No. 7th St., Rm. 620, Phila., PA 19106.

MC 147524 (Sub-1TA), filed June 22, 1979. Applicant: SINED LEASING, INC., 108 High Street, Mt. Holly, NJ 08060. Representative: John Francis Gough, Esquire, Messrs. White and Williams, 17th Floor, 1234 Market Street, Philadelphia, PA 19107. *Contract, irregular. In Bulk: invert cane sugar (liquid), fructose (liquid), sucrose (liquid), corn syrup (liquid) and flour (dry); the following commodity in bags: flour (dry).* Between Boston, MA; Buffalo, NY; Brooklyn, NY; New York, NY; Baltimore, MD; Cincinnati, OH; Decatur, IL; Chicago, IL; Indianapolis, IN; Lafayette, IN; St. Louis, MO; New Orleans, LA; Hammond, IN; Decatur, AL; and Detroit, MI; on the one hand and Athens, OH; Akron, OH; Columbus, OH; Dayton, OH; Cincinnati, OH; Youngstown, OH; Detroit, MI; Seymour, IN; Vincennes, IN; State of MA; State of CT; State of NY; State of NJ; State of PA; Washington, DC; Lynchburg, VA; Hollins, VA; Roanoke, VA; Winston-Salem, NC; Greensboro, NC; Elkin, NC; Atlanta, GA; Savannah, GA; Athens, GA; Charleston, WV and the State of MD on the other hand, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Beverage Management, Inc., 1001 Kingsmill Parkway, Columbus, OH 43299; GCC Beverages, Inc., Palmetto Expressway, Miami, FL 33157; Standard Milling Company, 1009 Central Street, Kansas City, MO 64105; Revere Sugar Corp., 240 Richards Street, Brooklyn, NY 11231; F & M Schaefer Brewing, Inc., Interstate 78, Fogelsville, PA; American Maize Products Co., Indianapolis Blvd., Hammond, IN 46326. Send protests to: Joel Morris, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 147544 (Sub-1TA), filed June 25, 1979. Applicant: CARL MEDLIN TRUCKING, an individual, 5890 Wood Sorrel Drive, Littleton, CO 80123. Representative: Carl Medlin, same address as applicant. *Meats* from Denver, CO and its commercial zone to points in NJ, NY and PA. Supporting shipper(s): Wilson Foods Corp., 4950 Washington, Denver, CO 80216. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 147554 (Sub-1TA), filed July 5, 1979. Applicant: ARAB CARTAGE AND EXPRESS, CO, INC., P.O. Box 427, Arab, AL 35016. Representative: John R. Frawley, Jr., 5506 Crestwood Blvd., Birmingham, AL 35212. *Electrical appliances, equipment and parts;*

hydraulic cylinders, materials and components used in the manufacture of hydraulic cylinders; motorcycle parts, vehicle braking systems, materials and components used in the manufacture of motorcycle parts and vehicle braking systems, between Arab, AL on the one hand and, on the other, points in WI, OH, MS, MI, TX, MN, GA, IL, AR, and NC, for 180 days. Supporting shipper(s): Heil Corporation, Arab—Thompson Rd., Arab, AL; Cutler-Hammer, Inc., 8th Avenue SE, Arab, AL; Syncro Corp., 7th Avenue NW, Arab, AL. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 147555 (Sub-1TA), filed June 27, 1979. Applicant: L & B Cartage, Inc., P.O. Box 388, Freeland, MI 48263. Representative: Robert E. McFarland, 999 W. Big Beaver Road, Suite 1002, Troy, MI 48064. *General Commodities* (except articles of unusual value, classes A & B explosives, house hold goods as defined by the Commission, commodities in bulk, and those requiring special equipment); between Tri-City Airport, at or near Freeland, MI on the one hand, and on the other, Detroit Metropolitan Wayne County Airport, at or near Romulus, MI and Willow Run Airport at or near Ypsilanti, MI restricted to shipments having a prior or subsequent movement by air. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Airborne Freight Corporation, Tri-City Airport, Freeland, MI 48263. Send protests to: C. R. Flemming, D/S, ICC, 225 Federal Building, Lansing, MI 48933.

MC 147565 (Sub-1TA), filed July 3, 1979. Applicant: PALMETTO TRANSPORTATION SERVICES, INC., P.O. Box 4932, Hilton Head Island, SC 29928. Representative: Tom Durston, same as applicant. *Passengers and baggage in charter and special service,* between Hilton Head Island, SC and Chatham County, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Historic Savannah Foundation, Inc., P.O. Box 1733, Savannah, GA 31402; Sea Pines Plantation Company, Hilton Head Island, SC 29948; Hyatt, P.O. Box 6167, Hilton Head Island, SC 29928. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 147644 (Sub-1TA), filed July 5, 1979. Applicant: J.M.C. TRANSPORT, INC., 900 W. Stephen Foster Blvd., Bardstown, Ky. 40004. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, MD. 20760. (1) Wine and Brandy, from points in CA. to the facilities of House of

Nelson, Inc., Kentucky Liquor and Wine, Inc., and Willett Distilling Company, in Louisville, Bardstown, Covington, and Paducah, Ky. (2) Pallet stretch-wrap machinery, from Louisville, Ky. to points in CA. (3) Ceramic Decanters, from Los Angeles, CA, to Bardstown, Ky. Supporting shipper(s): Wilbro, Inc., Bardstown, Ky.; LanTech, Inc., Louisville, Ky.; Willett Distilling Co., Bardstown, Ky.; Ky. Liquor & Wine Co., Louisville, Ky.; and House of Nelson, Inc., Louisville, Ky. Send protests to: Mrs. Linda H. Sypher, D/S, ICC, 426 Post Office Bldg., Louisville, Ky. 40202.

MC 147664 (Sub-1TA), filed July 9, 1979. Applicant: TRANSCONTINENTAL REFRIGERATED EXPRESS, INC., 145 Crispin Boulevard, Brunswick, GA 31520. Representative: W. Eugene Caldwell, P.O. Box 1496, Brunswick, GA 31520. (1) Frozen and canned foodstuffs and (2) materials, supplies and equipment used in the manufacturing and distribution of foodstuffs (except in bulk), between the facilities of Douglas Foods, Inc. at Douglas, GA on the one hand, and on the other hand, points in the United States, except AK and HI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Douglas Foods Service Co., P.O. Box 1208, Douglas, GA 31533. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 147695 (Sub-1TA), filed July 16, 1979. Applicant: ONAHU TRANSPORTATION CO., INC., P.O. Box 822, 1445 Spencer St., Longmont, CO 80501. Representative: Doyle W. Bloder, same address as applicant. *Malt beverages and related advertising materials* from Jefferson County, CO to points in MO; and *empty kegs, bottles and cans for recycling* from points in MO to Jefferson County, CO for 180 days. Underlying ETA filed seeking 90 days authority. Supporting shipper(s): Adolph Coors Company, Golden, CO. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 147885 (Sub-1TA), filed March 6, 1979. Applicant: MANUEL AND AMY VEGA d.b.a. VEGA CONSTRUCTION AND TRUCKING, P.O. Box 1630, Elko, NV 89801. Representative: John R. Ross II, Esq., P.O. Box 635, Carson City, NV 89701. *Orè and General Commodities*, between points and places situated within the counties of Elko, Eureka and Lander, State of NV, for 180 days. Supporting shipper(s): Chromalloy American Corp., P.O. Box 1003, Elko, NV 89801. Send protests to: W. J. Huetig, DS, ICC, 203 Federal Building, 705 North Plaza St., Carson City, NV 89701.

MC 147925 (Sub-TA), filed June 18, 1979. Applicant: JACK SHAWEL AND ARTHUR C. ROSS, d.b.a. ROSS TRUCKING, 8253 Lincoln Ave., Skokie, IL 60077. Representative: Jack Schawel, 111 W. Washington St., Chicago, IL 60602. *General commodities*, to and from all points and places inside the states of IL, WI, MN, MI, IN, OH, IA, MO and KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Stanislaus Foods, P.O. Box 3951, Modesto, CA 95352. Send protests to: David Hunt, TA, Room 1386, 219 S. Dearborn St., Chicago, IL 60604.

Note.—Applicant request authority to interline.

[Notice No. 148]

August 16, 1979.

MC 59583 (Sub-173TA), filed July 23, 1979. Applicant: THE MASON AND DIXON LINES, INC., P.O. Box 969, Kingsport, TN 37662. Representative: D. W. Penland (same address as above). *Foodstuffs, other than in Bulk, in controlled temperature vehicles*, from facilities of J. H. Filbert, Inc., in Clayton, Cobb, DeKalb and Douglas Counties, Georgia to points and places in IL and IN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): J. H. Filbert Inc., 3701 Southwestern Blvd., Baltimore, Maryland 21229. Send protests to: Glenda Kuss, TA, ICC, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 61592 (Sub-463TA), filed May 24, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: Don W. Smith, Suite 945-9000 Keystone Crossing, Indianapolis, IN 46240. *Agricultural machinery, implements, equipment and parts and accessories and materials, equipment and supplies used in the manufacture of agricultural machinery, implements, equipment, parts and accessories* from Kaukauna, WI to points in the U.S. in and east of MT, WY, CO and NM and from points in the U.S. in and east of MT, WY, CO and NM to Kaukauna, WI for 180 days. Supporting shipper: Badger Northland, Inc., 1215 Hyland Avenue, Kaukauna, WI 54130. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio Street, Rm. 429, Indianapolis, In 46204. An underlying ETA seeks 90 days authority.

MC 81133 (Sub-4TA), filed July 26, 1979. Applicant: CORKERY FUEL & MATERIALS COMPANY, 1017 Mary Candace Ln., St. Louis, MO 63125. Representative: Michael W. O'Hara, Atty., 300 Reisch Bldg., Springfield, IL 62701. *Coal* from DuQuoin, W. Frankfort

and Sparta, IL to Festus, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Royal Fuel Corporation, 1211 W. 22nd St., Rm. 417, Oakbrook, IL 60521. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 87103 (Sub-40TA), filed June 29, 1979. Applicant: MILLER TRANSFER AND RIGGING CO., P.O. Box 6077, Akron, OH 44312. Representative: Edward P. Bocko (same address as applicant). (1) *Commodities which, because of size or weight, require the use of special handling or special equipment* (2) *selfpropelled articles each weighing 15,000 pounds or more* (3) *commodities which, because of size or weight do not require special handling or special equipment* (4) *machinery* (5) *machine parts* (6) *heavy machinery* (7) *iron or steel or iron or steel articles* (8) *contractors equipment, materials and supplies* (1) BETWEEN pts. and places in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, VT, VA, WV, and DC (2) BETWEEN pts. in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, VT, VA, WV, and DC on the one hand, and, on the other, pts. and places in the US (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Applicant's statement of facts. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 98952 (Sub-72TA), filed July 25, 1979. Applicant: GENERAL TRANSFER COMPANY, 2880 North Woodford Street, Decatur, Illinois 62526. Representative: Charles Carnahan, Jr., 2880 North Woodford Street, Decatur, Illinois 62526. *Foodstuffs*, from the facilities of Anderson Clayton Foods at Jacksonville, Illinois to points in the states of IN, IA, KY, MI, MN, MO, OH, TN, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anderson Clayton Foods Inc., P.O. Box 226165, Dallas, Texas 75266. Send protests to: Cheryl G. Livingston, T/A, 219 S. Dearborn St., Room 1386, Chicago, Illinois 60604.

MC 103993 (Sub-975TA), filed June 13, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). *Buildings, building panels, building parts and materials, accessories, and supplies used in the installation, erection, and construction of buildings, building panels, and building parts (except commodities in bulk)*, from the facilities of Republic Buildings Corporation at or near Rainsville, AL to points in the United States in and east of the states of ND, SD, NE, KS, OK and

TX for 180 days. Supporting shipper: Republic Buildings Corporation, 1202 Industrial Avenue, Van Wert, OH 45891. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio Street, Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 103993 (Sub-976TA), filed April 27, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). *Iron and steel articles* from the plantsite of Gregory Galvanizing and Metal Processing, Inc., at or near Canton, OH to points in the United States in and east of the states of ND, SD, NE, KS, OK and TX for 180 days. Supporting shipper: Gregory Galvanizing & Metal Processing, Inc., 1723 Cleveland Ave., SW., Canton, OH 44706. Send protests to: Beverly J. Williams, Transportation Asst., ICC, 46 E. Ohio Street, Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 107012 (Sub-407TA), filed June 20, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Ft. Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant). *Commodities used in the manufacture of computers and computer equipment, in mixed loads with household goods* between points in AZ, CA, CO, CT, IL, IN, ME, MA, MN, NH, NJ, NM, NY, NC, OK, OR, PA, RI, SC, TX, VT, and WA for 180 days. Supporting shipper: Digital Equipment Corp., 444 Whitney Street, Northboro, MA 01532. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 115523 (Sub-188TA), filed July 20, 1979. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City, UT 84110. Representative: Melvin J. Whitear (same address as applicant). *Lime and lime products*, in bulk, from Caselton, NV to the Delamar Mine near Silver City, ID, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sierra Chemical Company, 1490 E. 2nd Street, Reno, NV 89502. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 115242 (Sub-17TA), filed July 19, 1979. Applicant: DONALD MOORE, 601 N. Prairie, St., Prairie Du Chien, WI 53821. Representative: Michael Varda, 121 S. Pinckney St., Madison, WI 53703. *Malt beverages* from LaCrosse, WI to Dubuque, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dubuque Holiday Sales, Inc., 1270 E. 12th St., Dubuque, IA

52001. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 118202 (Sub-129TA), filed June 1, 1979. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, MN 55402. *Iron and steel articles* from Chicago, IL and points in its Commercial Zone to Winona, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Badger Construction Equipment Company, Airport Industrial Park, Winona, MN 55987. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 118263 (Sub-86TA), filed May 22, 1979. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130. Representative: William L. Willis, Suite 708, McClure Bldg., Frankfort, KY 40601. *Meats, meat products, and meat by-products, and articles distributed by meat packing houses (except inedible hides and skins and commodities in bulk)* from the plantsite and warehouse facilities of Armour Processed Meats Co. at Louisville, KY, on the one hand, and, on the other, points in AR, GA, IL, IN, IA, ME, MS, MO, NH, RI, VA and WI for 180 days. Supporting shipper: Armour Processed Meats Co., 1200 Story Avenue, Louisville, KY 40206. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 119702 (Sub-70TA), filed July 27, 1979. Applicant: STAHLY CARTAGE CO., 119 S. Main St., P.O. Box 486, Edwardsville, IL 62025. Representative: Carl R. Wetzel (same address as applicant). *Petroleum Naphtha & Aromatic Solvents*, from Cyril, OK to St. Louis, MO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Missouri Solvents & Chemical Co., 419 DeSoto Ave., St. Louis, MO 63147. Send protests to: Cheryl Livingston, TA, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 123272 (Sub-38TA), filed July 25, 1979. Applicant: FAST FREIGHT, INC., 9651 Ewing Avenue, Chicago, IL 60617. Representative: James C. Hardman, 33 North LaSalle Street, Chicago, IL 60602. *Bottles and bottling supplies*, from points in NY, NJ, WV, IN, IL, MI and OH to the facilities of James Beam Distilling Co., at/near Clermont and Louisville, KY for 180 days. Supporting shipper(s): James B. Beam Distilling Co., Clermont, KY 40110. Send protests to: Annie

Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 123272 (Sub-40TA), filed July 23, 1979. Applicant: FAST FREIGHT, INC., 9651 Ewing Avenue, Chicago, IL 60617. Representative: James C. Hardman, 33 North LaSalle Street, Chicago, IL 60602. *Cheese and cheese products and materials and supplies used in the manufacture of cheese and cheese products*: Between the facilities of Pace Dairy at/near Rochester, MN on the one hand, and on the other, Atlanta, GA, Charleston, WV, Cincinnati, Cleveland and Columbus, OH, Dallas and Houston, TX, Detroit and Grand Rapids, MI, Indianapolis, Ft. Wayne and Greensburg, IN, Little Rock, AR, Louisville, KY, Memphis and Nashville, TN, Peoria, IL, Pittsburgh, PA, Roanoke, VA, and St. Louis, MO for 180 days. Supporting shipper(s): The Kroger Company, 1014 Vine Street, Cincinnati, OH 45201. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 123872 (Sub-107TA), filed July 24, 1979. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28601. Representative: Allen E. Bowman (same as applicant). *Meat, meat products and meat by-products and articles distributed by meat packing houses as described in Sections A, B and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk in tank vehicles)* from the facilities utilized by John Morrell & Co. at or near Amarillo, TX; Arkansas City, KS; East St. Louis, IL; El Paso, TX; Estherville, IA; Sioux City, IA; Sioux Falls, SD; and St. Paul, MN to points in GA, NC, SC, VA and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: Sheila Reece, Transportation Assistant, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 126542 (Sub-11TA), filed July 23, 1979. Applicant: B. R. WILLIAMS TRUCKING, INC., P.O. Box 3310, Oxford, AL 36201. Representative: John W. Cooper, 200 Woodward Bldg., 1927 1st Avenue North, Birmingham, AL 35203. Contract, irregular: (1) *Plastic and rubber articles*, from Lineville, AL, to points in the United States except AK and HI; and (2) *Materials, supplies and equipment used or consumed in the manufacture and shipping of plastic and rubber articles*, except in bulk in tank vehicles, from points in the United States except AK and HI, to Lineville, AL, for 180 days. An underlying ETA seeks 90 days authority. Supporting

shipper(s); Wheel Products Division Amerace Corporation, Lineville, AL 36266. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 127303 (Sub-66TA), filed July 26, 1979. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. *Non-alcoholic beverages*, from Omaha, NB and Granite City, IL to points in MN, WI, ND, and SD for 180 days. An underlying ETA seeking 90 days authority was filed. Supporting shipper(s): Shasta Beverages, Inc., 26901 Industrial Blvd., Hayward, CA 94545. Send protests to: Annie Booker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 135052 (Sub-30TA), filed April 27, 1979. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster Street, Shelbyville, IN 46176. Representative: Warren C. Moberly, 320 N. Meridian Street, Rm. 777, Indianapolis, IN 46204. (1) *Paper and paper products (except commodities in bulk)*, and (2) *materials and supplies used in the manufacture and distribution of paper and paper products (except commodities in bulk)*, (1) from the plantsites of Inland Container Corporation in Indianapolis and Crawfordsville, IN, to points in the states of OH, MI, IL, IA and KY and (2) from points in the states of OH, MI, IL, IA and KY, to the plantsites of Inland Container Corporation in Indianapolis and Crawfordsville, IN, for 180 days. Supporting shipper: Inland Container Corporation, 151 N. Delaware Street, Indianapolis, IN 46204. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 135732 (Sub-39TA), filed July 25, 1979. Applicant: AUBREY FREIGHT LINES, INC., P.O. Box 503, Elizabeth, NJ 07207. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Foodstuffs (except in bulk)*, from the facilities of the C. F. Mueller Co. located at or near Jersey City, NJ to points in the states of OH, IN, MI, IL, WI and IA, for 180 days. Supporting shipper(s): C. F. Mueller Co., 180 Baldwin Avenue, Jersey City, NJ 07306. Send protests to: Robert E. Johnston, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 135732 (Sub-40TA), filed July 19, 1979. Applicant: AUBREY FREIGHT LINES, INC., P.O. Box 503, Elizabeth, NJ 07207. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Chemicals and compounds*, and

materials, equipment, and supplies used in the manufacture and sale of chemicals and compounds (except commodities in bulk) between Boonton, Kearny and Harrison, NJ; Chicago, IL; and Houston, TX, on the one hand, and on the other, Los Angeles, and San Francisco, CA; Portland, OR; Pocatello, ID; Seattle, WA; and Green River, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Drew Chemical Corp., 1 Drew Chemical Plaza, Boonton, NJ 07005. Send protests to: Robert E. Johnston, D/S, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 138253 (Sub-13TA), filed June 22, 1979. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: John T. Wirth, 717 17th St. Suite 2600, Denver, CO 80202. *Contract carrier: irregular routes: (1) Chemicals and (2) Laboratory, graphic arts, electroplating, laundry, dry cleaning and swimming pool supplies and equipment, and (3) Materials used in the manufacture, sale and distribution thereof* from points in CA, DE, IL, IN, MD, MI, NJ, NY, OH, PA, WA and WV to Denver, CO for 180 days. Underlying ETA filed seeking 90 days authority. Supporting shipper(s): Chemical Sales Company, 4661 Monaco St., Denver, CO 80216. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 138322 (Sub-11TA), filed July 23, 1979. Applicant: BHY TRUCKING, INC., 9231 Whitmore Street, El Monte, CA 91733. Representative: Robert Fuller, 13215 E. Penn Street, Suite 310, Whittier, CA 90602. *Fabricated steel beams*, from Carlsbad, NM to Anaheim, CA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Southwestern Engineering and Machinery Corp., P.O. Box Drawer LL—Hobbs Highway at East Orchard Lane, Carlsbad, NM 88220. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 138432 (Sub-16TA), filed July 20, 1979. Applicant: GARLAND GEHRKE, 1800 N. Jefferson, Lincoln, IL 62756. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. *Commodities as dealt in by wholesale and retail grocery and chain stores*, restricted to traffic originating at the facilities of Dry Storage Corp., in the Chicago, IL Commercial Zone to points in IA, lower peninsula of MI, and the St. Louis, MO Commercial Zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dry Storage Corp., 2005 W. 43rd, Chicago, IL 60609. Send protests to: Annie Booker,

TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 138762 (Sub-42TA), filed July 16, 1979. Applicant: MUNICIPAL TANK LINES LIMITED, P.O. Box 3500, Calgary, AB, Canada T2P 2P9. Representative: Richard H. Streeter, 1729 H Street NW., Washington, DC 20006. *Molten sulphur*, in tank type vehicles, from ports of entry on the U.S.-Canada International Boundary line in MI to Detroit and Bay City, MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pressure Vessel Services, Inc., 6473 Anstell Ave., Detroit, MI 48213. Send protests to: Paul J. Labane, D/S, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 141402 (Sub-37TA), filed May 24, 1979. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 427, Lapel, IN 46051. Representative: Norman Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract carrier, irregular routes: (1) Iron, steel, zinc, lead, and articles or products thereof (except in bulk); springs; and construction materials, supplies and equipment (except in bulk)*, from the facilities of or used by Penn-Dixie Industries, Inc., Penn-Dixie Steel Corp., and Steven Spring, Inc., at or near Blue Island and Joliet, IL, Cicero, Elkhart, Fort Wayne and Kokomo, IN, Centerville, IA, Grand Rapids and Lansing, MI, Jackson, MS, Columbus and Toledo, OH to points in AL, AR, GA, IL, IN, KY, MI, MS, MO, NC, IA, PA, TN, WV, OH, VA, MD and WI. (2) *Materials, supplies and equipment (except in bulk)*, used in the manufacture and distribution of commodities named in (1) above, from points in the destination States named in (1) above, to the facilities of or used by Penn-Dixie Industries, Inc., Penn-Dixie Steel Corp., and Steven Spring, Inc., located at or near points in (1) above, under a contract or continuing contracts with Penn-Dixie Steel Corp. for 180 days. Supporting shipper: Penn-Dixie Steel Corp., P.O. Box 744, Kokomo, IN 46901. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 138882 (Sub-27TA), filed February 20, 1979, refilled July 2, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box 707, Troy, AL 36081. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Paper and paper products and wood pulp* between Scott Paper facilities in the Commercial zones of Mobile, AL; Philadelphia, PA; Marinette, WI; Oconto Falls, WI; Green Bay, WI; Fort Edward, NY; Albany, NY; Brunswick, GA, for 180

days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Scott Paper Company, Scott Plaza, Philadelphia, PA 19113. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 141252 (Sub-9TA), filed July 3, 1979. Applicant: PAN WESTERN CORPORATION, 4105 Las Lomas, Las Vegas, NV 89102. Representative: Richard Truman (same as applicant). *Clay pipe, fittings and related material*, from Corona, CA to Clark and Nye Counties, NV. Washington and Iron Counties, UT. Mohave, Coconino and Navajo Counties, AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mission Clay Products, P.O. Box 549, Corona, CA 91720. Gladding McBean, P.O. Box 578, Corona, CA 91720. Send protests to: DS W. J. Huetig, ICC, 203 Federal Bldg., Carson City, NV 89701.

MC 142673 (Sub-2TA), filed July 25, 1979. Applicant: SPEEDY DELIVERY SERVICE, INC., 2010 N.E. Perry Street, Peoria, IL 61601. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Building materials and floor coverings* from Chicago, IL to Davenport, IA and from East Peoria, IL to Clinton, Davenport and Keokuk, IA and *imitation brick and stone* from Ft. Wayne, IN to East Peoria, IL and; from Sterling, IL to Clinton, IA for 180 days. Applicant has filed an underlying ETA seeking 90 days authority. Supporting shipper(s): Bramlet and Company, No. 1 Altorfer Lane, East Peoria, IL 61611. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 145102 (Sub-35TA), filed July 18, 1979. Applicant: FREYMILLER TRUCKING INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Wayne Wilson, 150 E. Gilman St., Madison, WI 53703. *Cheese and cheese products* from Rochester, MN and points in WI to points in NV, AZ & CA, restricted to traffic originating at the facilities used by N.C.D. Corp., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): N.C.D. Corp., 3200 W. Temple St., Los Angeles, CA 90026. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 145402 (Sub-7TA), filed July 18, 1979. Applicant: LAKE LINE EXPRESS, INC., P.O. Box 1021, Appleton, WI 54912. Representative: Nancy Johnson, 103 E. Washington St., Crandon, WI 54520. (1) *Internal combustion engines and accessories thereto*, from facilities of Teledyne Continental Motors, Industrial Products Div., at or near Muskegon, MI to Appleton, Kohler, Butler, Milwaukee,

Waupaca, Brillion and Racine, WI and (2) *Materials, equipment and supplies used in the manufacture and distribution of internal combustion engines and accessories thereto*, from Waupaca, Brillion, Appleton, Berlin and Slinger, WI to facilities of Teledyne Continental Motors, Industrial Products Div., at or near Muskegon, MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Teledyne Continental Motors, 700 Terrace St., Muskegon, MI 49443. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 145772 (Sub-7TA), filed July 18, 1979. Applicant: LANG CARTAGE CORP., P.O. Box 1465, Waukesha, WI 53187. Representative: Richard Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203. *Such merchandise as is dealt in by retail mail order houses (except furniture)* from facilities of Unity Buying Service Co., Inc. at Schaumburg, IL to points in MN, WI & UP of MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Unity Buying Service Co., Inc., 905 E. Gulf Rd., Schaumburg, IL 60196. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 146162 (Sub-4TA), filed July 26, 1979. Applicant: TRANSPORT EQUIPMENT CORP., 240 E. 112th Street, Hammond, IN 46320. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. (1) *Metal articles*, and (2) *building materials and building supplies*, between points in the Chicago, IL commercial zone, restricted to the transportation of traffic having a prior or subsequent movement by water, for 180 days. An underlying ETA seeks 90 days authority has been filed. Supporting shipper(s): Master Jobbers, Inc., 240 112th Street, Hammond, IN 46320. Send protests to: Annie Booker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 146353 (Sub-2TA), filed February 22, 1979. Applicant: THORP BROS., INC., 4361 Raleigh, Denver, CO 80212. Representative: Richard S. Mandelson, Jones, Meiklejohn, Kehl & Lyons, 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, CO 80264. (1) *Malt beverages* from Jefferson, County, CO to points in CA and WA; and (2) *empty containers and materials for recycling* from points in CA to Jefferson, County, CO for 180 days. Underlying ETA filed seeking 90 days authority. SUPPORTING SHIPPER: Adolph Coors Co., Golden, CO. SEND PROTESTS TO: D/S Roger L. Buchanan,

ICC, 492 U.S. Customs House, 721 19th St., Denver, CO 80202. Supporting shipper(s): Adolph Coors Co., Golden, CO. Send protests to: D/S Roger L. Buchanan, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, CO 80202.

MC 146752 (Sub-2TA), filed March 5, 1979. Applicant: DLC TRANSPORT, INC., 12 Raymond Avenue, Poughkeepsie, NY 12603. Representative: James M. Burns, Johnson's Bookstore Building, 1383 Main Street—Suite 413, Springfield, MA 01103. *Contract Carrier: Irregular routes: (1) Lumber, Lumber Products and Building Materials*, between points in ME, NH, VT, CT, MA, RI, NY, MI, NJ, PA, MD, DE, DC, TN, NC, SC, GA, AL, MS and FL: (2) *Fencing*: from ME, NH, VT and Coalton, WV to points in CT, MA, RI, NY, MI, NJ, PA, MD, DE, DC, OH, IN, WV, VA, KY, TN, NC, SC, AL, MS, and FL: (3) *Particle Board*: from VA, NC, and SC, to points in ME, NH, VT, CT, MA, RI, NY, MI, NJ, PA, MD, DE, DC, OH, IN, WV, KY, TN, NC, SC, AL, MI and FL, for 180 days, under a continuing contract or contracts with the A. C. Dutton Lumber Corporation of Poughkeepsie, NY. SUPPORTING SHIPPER: A. C. Dutton Lumber Corporation, 12 Raymond Avenue, Poughkeepsie, NY 12603. SEND PROTESTS TO: Robert Radler, Interstate Commerce Commission, Post Office Box 1167, Albany, NY 12201. Supporting shipper(s): A. C. Dutton Lumber Corporation, 12 Raymond Avenue, Poughkeepsie, NY 12603. Send protests to: David Miller, ICC, 338-342 Fed Bldg., 436 Dwight Street, Springfield, MA 01103.

MC 147032 (Sub-2TA), filed June 22, 1979. Applicant: GENERAL MOTOR LINES, INC., P.O. Box 9583, Baltimore, MD 21237. Representative: Edmond N. Button, P.O. Box 1417, Hagerstown, MD 21740. *General commodities (except Classes A & B explosives)*, between Baltimore, MD, and its commercial zone, and Alexandria, VA, and its commercial zone, restricted to traffic having a prior or subsequent movement by water, for 90 days. An underlying ETA seeks 90 days, for 180 days. Supporting shipper(s):

Dominic C. Obrigkeit, Hansen Tidemann, 623 World Trade Center, Baltimore, MD 21202. Paul Cox, Lavino Shipping Company, 32 Water St., Baltimore, MD 21202. William Pudifin, Harper Robinson & Company, Suite 800, 1st National Bank Bldg., Baltimore, MD 21202. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.

MC 147682 (Sub-1TA), filed July 26, 1979. Applicant: ELOY MONTANO, 2438 Indiana School Road NW., Albuquerque,

NM 87106. Representative: Roger V. Eaton, P.O. Box Drawer 965, Albuquerque, NM 87103. *Contract carrier: irregular routes: Broken down, prefabricated buildings, including component parts thereof and equipment incidental to the erection and completion of the same.* (1) from Bernalillo, NM to points in WY, AZ, NV, WA, KS, and CO; (2) from Grapevine, Lubbock and Houston, TX and Pueblo, CO to Bernalillo, NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Apache Industries, Inc., P.O. Box 1710, 80 Hwy. 85, Bernalillo, NM 87004. Send protests to: D/S, ICC, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

MC 147723 TA, filed July 3, 1979. Applicant: E. B. COMPANY, INC., 5100 West 164th St., Brook Park, OH 44142. Representative: Paul F. Beery, 275 East State St., Columbus, OH 43215. (1) *Petroleum products, except in bulk, from the plantsites of Tradco Chemical Corporation at Akron, OH, to points in and east of ND, SD, NE, KS, OK and TX;* (2) *Empty containers such as are commonly used in the transportation of petroleum products from points in and east of ND, SD, NE, KS, OK and TX to the plantsite of Tradco Chemical Corporation at Akron, OH;* (3) *Materials, equipment and supplies used in the manufacture and transportation of petroleum products between the plantsite of Tradco Chemical Corporation at Akron, OH, on the one hand, and points in and east of ND, SD, NE, KS, OK and TX, on the other, for 180 days.* Supporting shipper(s): Tradco Chemical Corp., 1178 Triplett Blvd., Akron, OH 44306. Send protests to: D/S ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 147862 TA, filed July 17, 1979. Applicant: G. L. NICHOLS TRUCKING, INC., P.O. Box 86, Flora, IL 62839. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Contract carrier: irregular routes: Commodities as are dealt in by food, chain, discount, drug, grocery and hardware stores (except in bulk) for the account of S. C. Johnson and Son, Inc., from Sturtevant and Racine, WI to points in FL and GA; and from Jacksonville, FL and Atlanta, GA to Sturtevant and Racine, WI, for 180 days.* Supporting shipper(s): S. C. Johnson and Son, Inc., 1525 Howe St., Racine, WI 53403. Send protests to: Annie Booker, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 147900 TA, filed June 26, 1979. Applicant: COLLINS WHOLESALE SUPPLY, INC., 4073 Hooker Road,

Roseburg, Oregon 97470. Representative: Kerry D. Montgomery, 400 Pacific Building, Portland, OR 97204, 503-228-5275. *Cement, in sacks, including masonry, white and hydraulic from the plantsite and facility of Riverside Cement Company, Riverside, CA, to points in Oregon, Washington, Idaho and Utah; and from the producing plants of Oregon Portland Cement Co of Lake Oswego, Lime and Durkee, OR and Inkom, ID, to its distribution plants at Auburn and Kennewick, WA, Boise, Twin Falls, Heyburn, Pocatello and Idaho Falls, Idaho for 180 days.* Supporting shipper(s): Mr. James W. Bryan, Riverside Cement Company, P.O. Box 4078, South Colby, Washington 98384. Send protests to: A. E. Odoms, D/S, ICC, 114 Pioneer Courthouse, 555 S. W. Yamhill Street, Portland, OR 97204.

MC 147922 TA, filed July 20, 1979. Applicant: B. A. MURPHY, P.O. Box 245, Cary, MS 39054. Representative: William G. Beanland, P.O. Box 991, Vicksburg, MS 39180. *Contract carrier: irregular routes: Steel and iron articles, I Beams, H Beams, RE-Bar and Sheet Steel from Gulfport, MS, New Orleans, LA, and Houston, TX, to Vicksburg, Yazoo City and Greenville, MS, for the account of Universal Steel Company, Vicksburg, MS, for 180 days.* Supporting shipper(s): Universal Steel Company, P.O. Box 1125, Vicksburg, MS 39180. Send protests to: Alan Tarrant, D/S, ICC, Federal Building, Suite 1441, 100 West Capitol St., Jackson, MS 39201.

[Notice No. 152]

August 20, 1979

MC 120419 (Sub-7TA), filed July 20, 1979. Applicant: SERVICE TRANSFER, INC., 1501 West Main Street, Henryetta, OK 74437. Representative: Clifford Neal (same address as applicant). (1) *glass containers and closures therefore; and* (2) *materials, equipment and supplies used in the manufacture, sale and distribution of glass containers,* (1) from Okmulgee, OK, to points in AR, IA, IL, KS, LA, MO, NE, and TN; and (2) from points in AR, IA, IL, KS, LA, MO, NE, and TN, to Okmulgee, OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Ball Corporation, 345 South High Street, Muncie, IN 47302. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 120618 (Sub-21TA), filed May 3, 1979. Applicant: SCHALLER TRUCKING CORPORATION, 5700 W. Minnesota Street, Indianapolis, IN 46241. Representative: John R. Bagileo, 700 World Center Bldg., 918 16th St. NW, Washington, DC 20006. *Aluminum and aluminum products, from the plantsite of*

Aluminum Company of America at or near Massena, NY, to IL, IN, MI and OH, for 180 days. Supporting shipper: Aluminum Company of America, 1501 Alcoa Bldg., Pittsburgh, PA 15219. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 120618 (Sub-22TA), filed May 31, 1979. Applicant: SCHALLER TRUCKING CORP., 5700 W. Minnesota Street, Indianapolis, IN 46241. Representative: John R. Bagileo, 918 16th St. NW, Washington, DC 20006. 1. *Brass, bronze, copper and Cupro-Nickel, from the facilities of Olin Corporation located at or near East Alton, IL, and the facilities of Bridgeport Brass located at or near Indianapolis, IN to the facilities of Harrison Radiator, a Div. of General Motors Corp., located at Buffalo and Lockport, NY.*

2. *Aluminum articles, aluminum plate or steel, aluminum coils, aluminum foil, aluminum extrusions, aluminum pipe, and aluminum flux, from the facilities of Anaconda Aluminum Company located at or near Terre Haute, IN to the facilities of Harrison Radiator, a Div. of General Motors Corp., located at Buffalo and Lockport, NY.*

3. *Auto Parts and accessories, from the facilities of Delco-Remy, a Div. of General Motors Corp., located at or near Anderson, IN to the facilities of Harrison Radiator, a Div. of General Motors Corp., located at Buffalo and Lockport, NY, for 130 days.* Supporting shipper: Harrison Radiator, 200 Upper Mountain Road, Lockport, NY 14094. Send protests to: Beverly J. Williams, Transportation Asst., ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 120728 (Sub-6TA), filed July 6, 1979. Applicant: MOJAVE TRANSPORTATION CO., 14410 South Avalon Blvd., Gardena, CA 90248. Representative: Robert Fuller, 13215 E. Penn Street, Suite 310, Whittier, CA 90602. *Agricultural tractors, industrial and construction equipment, excavating and material handling equipment, parts and attachments, from San Joaquin and Los Angeles Counties, CA to points in AZ, ID, OR and UT, for 180 days.* An underlying ETA seeks up to 90 days operating authority. Supporting shipper: J. I. Case Company, 700 State Street, Racine, WI 53404. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 121568 (Sub-13TA), filed July 5, 1979. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Avenue, Nashville, TN 37211. Representative: James G.

Caldwell (same address as applicant). *Hardwood flooring*, from the facilities utilized by Bruce Hardwood Floors at or near Center, TX to points in the states of AR, MS, & TN. Applicant intends to interline with other carriers at Memphis and Nashville, TN. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bruce Hardwood Floors, Inc., 4255 LBJ Freeway, Dallas, TX 75234. Send protests to: Glenda Kuss, T/A, ICC, A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 121658 (Sub-20TA), filed July 16, 1979. Applicant: Steve D. Thompson Trucking, Inc., P.O. Drawer 149, Winnsboro, LA 71295. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. (1) *Insulated copper wire and empty reels* from the facilities of Belden Corporation at or near Jena, LA to the facilities of Belden Corporation at or near Dumas, AR and (2) *Insulated copper wire and insulated copper scrap*, in the reverse direction, for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): Belden Corporation, 2000 S. Batavia Ave., Geneva, IL 60134. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 123048 (Sub-461TA), filed June 22, 1979. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st St., Racine, WI 53406. Representative: John Bruemmer, 121 W. Doty St., Madison, WI 53703. *Iron and steel conduit pipe* between Osceola, AR and points in KS, NE, IA & MO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Southwire Co., P.O. Box 1000, Carrollton, GA 30117. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-976TA), filed July 5, 1979. Applicant: SCHWERMANN TRUCKING CO., 611 S. 28th St., Milwaukee, WI 53215. Representative: Richard Prevette, 611 S. 28 St., Milwaukee, WI 53215. *Phosphatic fertilizer solutions & spent phosphoric acid*, in bulk, in tank vehicles, from Cullman, AL to points in AL, AR, FL, GA & IL [except points in St. Louis, MO-East St. Louis, IL commercial zone] KY, LA, MS & TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mobil Chemical Co., P.O. Box 26683, Richmond, VA. 23261. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-977TA), filed July 5, 1979. Applicant: SCHWERMANN

TRUCKING CO., 611 S. 28 St., Milwaukee, WI 53215. Representative: Richard Prevette (same address as applicant). *Cement* from facilities of Missouri Portland Cement Co. at Memphis, TN to points in AR & MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Missouri Portland Cement, 7711 Carondelet Ave., St. Louis, MO 63105. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-980TA), filed July 16, 1979. Applicant: SCHWERMANN TRUCKING CO., 611 S. 28 St., Milwaukee, WI 53215. Representative: Richard H. Prevette (same address as applicant). *Cement* from Decatur, AL to points in GA, MS and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Missouri Portland Cement Co., 7711 Carondelet Ave., St. Louis, MO 63105. Send protests to: J. E. Ryden, DS, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-981TA), filed July 16, 1979. Applicant: SCHWERMANN TRUCKING CO., 611 S. 28 St., Milwaukee, WI 53215. Representative: Richard H. Prevette (same address as applicant). *Clay*, in bulk, from Ripley, MS, to IL, IN, IA, MN, MO and WI, for 180 days. Supporting shipper(s): Oil-Dri Corporation of America, 520 N. Michigan Ave., Chicago, IL 60611. Send protests to: J. E. Ryden, DS, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-982TA), filed July 24, 1979. Applicant: SCHWERMANN TRUCKING CO., 611 S. 28 St., Milwaukee, WI 53215. Representative: Richard Prevette (same address as applicant). *Corn products*, in bulk, from Kankakee, IL and Mt. Vernon, IN to points in the US and east of KS, ND, NE, OK, SD & TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): J. R. Short Milling Co., 233 S. Wacker Dr., Sears Tower, Chicago, IL 60606. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-983TA), filed July 11, 1979. Applicant: SCHWERMANN TRUCKING CO., 611 S. 28 St., Milwaukee, WI 53215. Representative: Richard Prevette, same address as applicant. *Edible tallow*, in bulk, from Anderson, IN to Janesville, WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): EMGE Packing Co., Inc., P.O. Box 2070, 2000 W. 8th St., Anderson, IN 46011. Send protests to: Gail Daugherty, TA, ICC, 517

E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-984TA), filed July 19, 1979. Applicant: SCHWERMANN TRUCKING CO., 611 S. 28 St., Milwaukee, WI 53215. Representative: Richard Prevette, same address as applicant. *Cement*, in bulk, from Evansville, PA to Pleasant Prairie, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wisconsin Associates, P.O. Box 74, Pleasant Prairie, WI 53158. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-985TA), filed July 24, 1979. Applicant: SCHWERMANN TRUCKING CO., 611 S. 28 St., Milwaukee, WI 53215. Representative: Richard Prevette, same address as applicant. *Slag*, in bulk, from Warner, PA to Wilson, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kerr Glass Mfg. Corp., P.O. Box 97, Sand Springs, OK 74063. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-986TA), filed July 31, 1979. Applicant: SCHWERMANN TRUCKING CO., 611 S. 28 St., Milwaukee, WI 53215. Representative: Richard Prevette, 611 S. 28 St., Milwaukee, WI 53215. *Cement*, in bulk, from Universal, PA to Cleveland, TN, for 180 days. Supporting shipper(s) U.S. Steel Corp., 600 Grant St., Pittsburgh, PA 15230. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124679 (Sub-101TA), filed July 3, 1979. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Daniel E. England, same address as applicant. *Foodstuffs*, except in bulk, from Ashton, RI, points in CT, DE, and those in NY on and east of New York Highway 34 (except New York, NY, and points in its commercial zone and those in Suffolk County), to points in AZ, CA, CO, ID, MT, NB, NM, OR, UT, and WA; and (2) from New York, NY, points in MD (except those points east of the Chesapeake Bay and south of the Chesapeake and Delaware canal), NJ, Suffolk County, NY, those in PA on and east of U.S. Highway 15 and those in MA on and east of Massachusetts Highway 12 to points in the United States (except AK, HI, KS, LA, NE, ND, OK, SD, SC, AL, TN, and TX), restricted against the transportation of foodstuffs from Downingtown, PA, and points in its commercial zone, to points in DE, NJ, NY, OH, PA, MI, VA, WV, and DC, for 180 days. An underlying ETA seeks 90

days authority. Supporting shipper(s): There are 36 statements in support attached to this application which may be examined at the I.C.C. in Washington, D.C. or copies of which may be examined in the field office named below. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 124679 (Sub-102TA), filed July 10, 1979. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Daniel E. England, same address as applicant. *Frozen bakery goods*, from Richmond, UT to Salisbury, MD and Milford, DE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pepperidge Farm, Incorporated, 595 Westport Avenue, Norwalk, CT 06856. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 124939 (Sub-21TA), filed May 14, 1979. Applicant: FOOD HAUL, INC., 1215 W. Mound St. Rear, Box 1309, Columbus, OH 43223. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. *Contract; irregular: Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses (except commodities in bulk)* from Columbus, OH to points in NE, ND, SD, OK, and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Borden, Inc., 180 E. Broad St., Columbus, OH 43215. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 125299 (Sub-8TA), filed July 18, 1979. Applicant: WITTE BROTHERS EXCHANGE, INCORPORATED, 690 E. Cherry St., Troy, MO 63379. Representative: Harold C. Witte, address same as applicant. *Foodstuffs*, (except in bulk), from Atlanta, GA and St. Louis, MO to points in the US including AL, AR, CN, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV and WI; and *foodstuffs, materials, equipment and supplies* used in the manufacture of foodstuffs from the above named destination states to Atlanta, GA and St. Louis, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wetterau Incorporated, 8920 Pershall Rd., Hazelwood, MO 63042. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 125368 (Sub-75TA), filed June 29, 1979. Applicant: CONTINENTAL COAST TRUCKING CO., INC., P.O. Box 26, Holly Ridge, NC 28445.

Representative: C. W. Fletcher, same as applicant. *Meats, meat products, meat by-products and articles distributed by meat packinghouses, as described in sections A, B, and C of Appendix I to the Report in the Descriptions In Motor Carriers Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk)* from facilities of Swift & Company, Cactus, TX to AL, FL, GA, LA, MS, NC, SC and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Swift & Company, 115 West Jackson Blvd., Chicago, IL 60604. Send protests to: Terrell Price, 800 Briar Creek Rd-Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 125368 (Sub-76TA), filed July 2, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher, P.O. Box 26, Holly Ridge, NC 28445. *Fresh meats and packinghouse products as described in Sections A, B, and C of Appendix I to the report in description in Motor Carriers Certificates 61 MCC 209 and 766 (except hides, skins, and commodities in bulk)* from Estherville and Sioux City, IA and Sioux Falls, SD and Memphis, TN to points in AL, CT, DE, FL, MD, MA, ME, MI, MS, GA, NJ, NY, NC, OH, PA, RI, SC, TN, VA and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: Terrell Price, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 125368 (Sub-77TA), filed July 5, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher, same as above. *Plastic bottles* from Carolina Canners, Inc., Cheraw, SC to Pepsi Cola Company, Abilene, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pepsi Cola Company, Anderson Hill Rd., Purchase NY 10577. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd-Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 125368 (Sub-78TA), filed July 6, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher, same as above. *Meats, meat products and supplies used in the manufacture of meat products* between the facilities of Frederick and Herrud and subsidiaries of Frederick and Herrud in MI and NC, on the one hand, and on the other, points in the US, except AK and HI; (Restricted to traffic originating and/or

destined to Frederick and Herrud, Crown Packing, Herco, Carolina Meat Processor and other subsidiaries of Frederick and Herrud), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Frederick & Herrud, Herco, Carolina Meat Processors, Crown and Other Subsidiaries, 1487 Farnsworth, Detroit, MI 48211. Send protests to: Terrell Price, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 125368 (Sub-79TA), filed July 10, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher, same as above. *Beverages, plastic bottles and cans, beverage supplies and machinery used by Carolina Canners, Inc. and Carolina Packaging, Inc. and subsidiaries* between the facilities of Carolina Canners, Inc. and Carolina Packaging, Inc. and subsidiaries, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MI, MO, TN, TX, VA and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Carolina Canners, Inc., P.O. Box 965, Cheraw, SC 29520. Send protests to: Terrell Price, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 125368 (Sub-80TA), filed July 3, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher, same as above. *Fresh meat and packinghouse products as described in Sections A, B, and C, of Appendix I to the report in descriptions in Motor Carriers Certificates 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk)* from Amerillo and Lubbock, TX and destined to points in AL, CT, DE, DC, FL, GA, MD, MA, ME, MI, MS, NJ, NY, NC, OH, PA, RI, SC, TN, and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John Morrell & Company, 208 S. LaSalle St., Chicago, IL 60604. Send protests to: Terrell Price, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 125368 (Sub-81TA), filed July 24, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher, same as above. *Meat, meat products and supplies used in the manufacture of meat products* between the facilities of Dinner Bell Foods at or near Defiance, Archibald, and Troy, OH on the one hand, and, on the other, points in CT, DE, DC, KY, ME, MD, MA, NH, NJ, NY, SC, TN, VT, WV and WI, for 180 days. An underlying ETA seeks 90 days

authority. Supporting shipper(s): Dinner Bell Foods, P.O. Box 388, Defiance, OH 43512. Send protests to: Sheila Reece, Transportation Assistant, 800 Briar Creek Rd., Rm. CC516, Mart Office Building, Charlotte, NC 28205.

MC 125368 (Sub-82TA), filed July 26, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher, same as above. *Meats, meat products, and meat by-products and articles distributed by meat packinghouses as described in Motor Carriers Certificate 61, MCC 209 and 766 (except hides and commodities in bulk)*, from the facilities of Swift and Company at or near, Bradley, IL, East St. Louis, IL, Rochelle, IL, St. Charles, IL and Chattanooga, TN to points in AL, AR, CO, CT, DE, FL, GA, IA, IL, IN, KS, KY, LA, MA, ME, MD, MI, MN, MO, MS, NJ, NH, NM, NY, NC, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WV and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Swift and Company, 115 West Jackson Blvd., Chicago, IL 60604. Send protests to: Sheila Reece, Transportation Assistant, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 125708 (Sub-177TA), filed June 27, 1979. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 1473 Ripley, Lake Station, IN 46405. Representative: Edward Pietrowski, 109 Velma, South Roxana, IL 62087. *Particle board, hardboard, plywood and lumber*, from points in AL, AR, GA, MS and SC on the one hand and on the other points in the United States (except AL and HA) for 180 days. Supporting shipper(s): Jim McCormick Co., Inc., P.O. Box 50342, Indianapolis, IN 46250. Send protests to: Annie Booker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 125708 (Sub-179TA), filed June 26, 1979. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 1473 Ripley, P.O. Box 5216, Lake Station, IN 46405. Representative: Edward F. Pietrowski, Esq., 109 Velma, South Roxana, IL 62087. *Lumber*, from Rudyard, MI to points in IL, IN, MI, & OH; and from Toledo, OH to Kalamazoo, Niles, Lansing, Traverse City, Rudyard, MI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Schultz, Snyder & Steele Lumber Co., P.O. Box 42128, Lansing, MI 48909. Send protests to: Cheryl Livingston, TA, 219 S. Dearborn Street, Rm. 1386, Chicago, IL 60604.

MC 125708 (Sub-180TA), filed June 25, 1979. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 1473 Ripley, P.O. Box 5216 Lake Station,

Indiana 46405. Representative: Edward F. Pietrowski, Esq., 109 Velma, South Roxana, IL 62087. *Iron and Steel Articles* as described in 61-MCC 209 from Huntington, West Virginia, to points in California, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Connors Steel Company, P.O. Box 118, Huntington, West Virginia 25706. Send protests to: Cheryl G. Livingston, TA, 219 S. Dearborn Street, Rm. 1386, Chicago, IL 60604.

MC 126139 (Sub-8TA), filed June 14, 1979. Applicant: AARON SMITH TRUCKING COMPANY, INC., US #117 South, Dudley, NC 28333. Representative: John N. Fountain, 1010 Insurance Bldg., Fayetteville St., Raleigh, NC 27602. *Manufactured forest products* from facilities of Weyerhaeuser Corp. at Jacksonville, Plymouth, Lewiston and Weyco, NC to points in VA, MD, DE, DC, NJ, PA, OH, NY, CT, RI, MA, VT, NH, ME, TN, SC, GA, FL, WV and IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Weyerhaeuser Company, PO Box 787, Plymouth, NC 27962. Send protests to: Terrell Price, 800 Briar Creek Rd-Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 126679 (Sub-14TA), filed July 13, 1979. Applicant: DENNIS TRUCK LINE, INC., P.O. Box 189, Vidalia, GA 30474. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *Iron and steel articles*, from Savannah, GA to Marietta, GA for 180 days. Supporting shipper(s): Pacesetter Steel Service, Inc., 980 Marietta Industrial Drive, Marietta, GA 30065. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 127478 (Sub-19TA), filed July 13, 1979. Applicant: WILLIAM M. HAYES, d.b.a. HAYES TRUCKING CO., P.O. Box 31, Winterville, GA 30683. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. (1) *Frozen and canned foodstuffs and (2) materials, supplies and equipment used in the manufacture and distribution of foodstuffs* between the facilities of Douglas Foods, Inc. at Douglas, GA on the one hand, and points in the U.S. (except AK & HI) on the other hand, restricted to the transportation of traffic originating at or destined to the facility of Douglas Foods, Inc. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Douglas foods, Inc., P.O. Box 1208, Douglas, GA 31533. Send protests to: Sara K. Davis, T/A,

ICC, 1252 W. Peachtree St., NW, Rm 300, Atlanta, GA 30309.

MC 127579 (Sub-25TA), filed May 29, 1979. Applicant: HAULMARK TRANSFER, INC., 1100 North Macon St., Baltimore, MD 21205. Representative: Glenn M. Heagerty (same address as applicant). *Books*, from the facilities of Ingram Book Co., at or near Jessup, MD to Los Angeles, CA and its commercial zone and Seattle, WA and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ingram Book Co., 347 Reedwood Drive, Nashville, TN 37217. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 127579 (Sub-26TA), filed July 9, 1979. Applicant: HAULMARK TRANSFER, INC., 1100 North Macon St., Baltimore, MD 21205. Representative: Glenn M. Heagerty (same as applicant). *Paper and paper products* from the facilities of Union Camp Corp. at or near Richmond, VA to NJ, NY, PA, DE, MD, DC, ME, NH, VT, MA, CT, and RI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Camp Corp., 1600 Valley Rd., Wayne, NJ 07470. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 128409 (Sub-6TA), filed July 18, 1979. Applicant: HAROLD A. MILLER, P.O. Box 623, Moorhead, MN 56560. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract carrier; irregular routes: Liquid sugar*, in bulk, in tank vehicles, from the facilities of American Crystal Sugar Company at or near Chaska, MN to points in ND and IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Crystal Sugar Company, 101 3rd Street, Moorhead, MN 56560. Send protests to: H. E. Farsdale, DS, ICC, Bureau of Operations, Room 268 Fed. Bldg. & U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 128449 (Sub-11TA), filed July 9, 1979. Applicant: JIMMIE TUCKER TRUCKING, INC., P.O. Box 428, Broken Bow, OK 74728. Representative: Rufus H. Lawson, Attorney, 2753 Northwest 22nd Street, Oklahoma City, OK 73107. (1) *Metal roofing and siding and fabricated metal products; and (2) materials and supplies used in the manufacture of commodities named in (1) above*, (1) from Idabel, OK, to points in AL, AR, GA, IL, KS, KY, LA, MS, MO, NM, OK, TN, and TX, and (2) from the destination states named in (1) above, to Idabel, OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Alcan Building Products, Div.

of Alcan Aluminum Corp., 3449 Hempland Road, Lancaster, PA 17601. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 129149 (Sub-15TA), filed June 29, 1979. Applicant: JOHN W. HIEL, R.R. #2, Prairie City, IL 61470. Representative: Robert Lawley, 300 Reisch Bldg., Springfield, IL 62701. Contract carrier: irregular routes: *Animal and poultry feed, feed ingredients, for the account of Allied Mills, Inc., between Peoria and Bushnell, IL on the one hand, and on the other, points in IA, KY, MI, MO, OH, WI; and from Mendota, IL to points in IN and OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Allied Mills, Inc., 10 S. Riverside Plaza, Chicago, IL 60606. Send protests to: David Hunt, TA, Rm. 1386, 219 S. Dearborn, Chicago, IL 60604.*

MC 129219 (Sub-20TA), filed July 3, 1979. Applicant: CMD TRANSPORTATION, INC., 12340 S.E. Dumolt Road, Clackamas, OR 97015. Representative: Philip G. Skofstad, P.O. Box 594, Gresham, OR 97030. Contract, irregular, plastic roll film and plastic sheeting from Torrance, CA to Medford, Eugene, Corvallis, Portland, Bend, Pendleton, and LaGrande, OR; Vancouver, Tacoma, Seattle, Bellingham, Port Angeles, Yakima, Richland, Walla Walla, Pullman, Wenatchee and Spokane, WA for 180 days. A corresponding ETA was Granted 7/2/79 for 30 + 2, expires 9/29/79. A permanent will be filed. Supporting shipper(s): Armin Corp., 414 Alaska Avenue, Torrance, CA 90500. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oregon 97204.

MC 129759 (Sub-29TA), filed July 2, 1979. Applicant: TRIANGLE TRUCKING CO., P.O. Box 490, McKees Rocks, PA 15136. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Contract; irregular: (1) *Transformers and transformer parts, from the facilities of RTE Corp. at or near Waukesha, WI to points in and east of NM, IA, MO, AR, and LA, and (2) materials, equipment, and supplies used in the manufacture of transformers and transformer parts, from points in the destination states specified in (1) above to the facilities of RTE Corp. at or near Waukesha, WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): RTE Corp., 1900 E. North St., Waukesha, WI 53186. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.*

MC 129768 (Sub-4TA), filed May 30, 1979. Applicant: H. R. KESTERSON, d.b.a. GALAXY LIMOUSINE SERVICE, 948 McDowell Dr., Dover, DE 19901. Representative: Chester A. Zyblut, 1030, 15th St. NW., Washington, DC 20005. *Passengers and their baggage, transporting not more than 11 passengers in any one vehicle, in special operations, between Seaford and Dover, DE, on the one hand, and, on the other, Baltimore, MD and points in its commercial zone, for 90 days. An underlying ETA seeks 90 days. Supporting shipper(s): R. P. White, SFCUSA, U.S. Army Recruiting Service, Blue Hen Mall, Dover, DE 19901; W. F. Plack, Jr, PNC USNR, Navy Recruiting Service, 210 Blue Hen Mall, Dover, DE 19901; and Gary M. Morris, Tsgt, U.S. Air Force Recruiting Svc., 217 Blue Hen Mall, Dover, DE. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.*

MC 133189 (Sub-28TA), filed May 23, 1979. Applicant: VANT TRANSFER, INC., 5075 Northeast Mulcare Drive, Minneapolis, MN 55421. Representative: John B. Van de North, Jr., c/o Briggs and Morgan, 2200 First National Bank Building, St. Paul, MN 55101. *Iron and steel articles from St. Louis, MO, East St. Louis and Cahokia, IL to the facilities of FMC Corporation located at Cedar Rapids, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): F. M. C. Corporation, 1201 6th Street, Southwest, Cedar Rapids, IA 52406. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.*

MC 133189 (Sub-29TA), filed July 12, 1979. Applicant: VANT TRANSFER, INC., 1229 Osborne Road, Minneapolis, MN 55432. Representative: John B. Van de North, Jr., c/o Briggs and Morgan, 2200 First National Bank Building, St. Paul, MN 55101. (1) *Roofing and insulating materials, from the facilities of G.A.F. Corporation located at Minneapolis, MN, to points in MT, ND, SD, NE, and IA, and from the facilities of G.A.F. Corporation located at Mount Vernon, IN and Joliet, IL, to points in MN, WI, IA, MI, and OH; (2) Sound deadening materials, felt or paper, saturated or unsaturated, from Joliet, IL, to points in MN, WI, IA, MI, and OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): GAF Corporation, General Traffic Manager, 1361 Alps Road, Wayne, NJ 07470. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.*

MC 133689 (Sub-286TA), filed June 29, 1979. Applicant: OVERLAND EXPRESS,

INC., 719 First Street Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Such commodities as are dealt in or used by a producer of canned goods (except commodities in bulk and frozen food), between the plantsites and/or facilities of Friday Canning Corporation at or near Richmond, Oakfield, Eden, Fond Du Lac, Gillett, Coleman, Sussex, and Shawano, WI, and points in the Continental United States in and east of ND, SD, NE, KS, OK, and TX, for 180 days. Supporting shipper(s): Friday Canning Corporation, 660 North Second Street, New Richmond, WI 54017. Send protests to: District Supervisor, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.*

MC 133689 (Sub-287TA), filed July 2, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Pharmaceuticals, toilet preparations, materials, equipment and supplies used in the manufacture and distribution thereof (except commodities in bulk) between the facilities of American Home Products at or near Atlanta, GA, Andover, MA, Baltimore, MD, Buena Park, CA, Chicago, IL, Cleveland, OH, Dallas, TX, Kansas City, MO, Kent, WA, Lenexa, KS, Los Angeles, CA, Memphis, TN, Rouses Point, NY, Seattle, WA, Secaucus, NJ, South Plainfield, NJ, St. Paul, MN, Strongsville, OH, and Whiteland Township, PA, for 180 days. Supporting shipper(s): Ayerst Laboratories, Assistant Manager, Physical Dist., 685 Third Avenue, New York, NY 10017. Send protests to: District Supervisor, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.*

MC 133689 (Sub-291TA), filed July 6, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Paper and paper products, of natural or synthetic fibers, and equipment, materials and supplies used in the manufacture or distribution of paper and paper products (except in bulk), (1) between Green Bay, Fond du Lac, Marinette and Oconto Falls, WI, and points in their commercial zones and points in the states of AL, AR, DE, GA, IA, IL, IN, KS, MI, MN, MO, ND, NE, NJ, NY, OH, OK, PA, SD, and TX; and (2) between Chicago, IL, and points in its commercial zone, and points in AL, AR, DE, GA, IA, IN, KS, MI, MN, MO, ND, NE, NJ, NY, OH, OK, PA, SD, TX, and*

WI, for 180 days. Supporting shipper(s): Scott Paper Company, Senior Transportation Project Manager, Scott Plaza, Philadelphia, PA 19113. Send protests to: District Supervisor, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 133689 (Sub-292TA), filed July 10, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street, Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Wallpaper pulp coloring, in drums*, from Camden, NJ to Defiance, OH, for 180 days. Supporting shipper(s): Borden Chemical, Division of Borden, Inc., 180 East Broad Street, Columbus, OH 43215. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 133689 (Sub-293TA), filed July 10, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street, Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, South St. Paul, MN 55118. *Meat, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A and C of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk)* from the facilities of Armour Processed Meats Co. at or near Louisville, KY and Pittsburgh, PA to points in the United States in and east of ND, SD, NE, KS, OK and TX, for 180 days. Supporting shipper(s): Armour Food Company, 111 West Clarendon Avenue, Greyhound Tower, Phoenix, AZ 85077. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 133689 (Sub-29TA), filed July 11, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Glass containers, caps and enclosures for glass containers*, from the facilities of Brockway Glass Company, Inc., at or near Rosemount, MN, to IL, IA, MO, and WI, for 180 days. Supporting shipper(s): Brockway Glass Company, Inc., Traffic Manager, Rosemount, MN 55068. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 133689 (Sub-295TA), filed July 5, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street, Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Electric ranges and*

microwave ovens from Sioux Falls, SD to points in and east of ND, SD, NE, KS, OK and TX, for 180 days. Supporting shipper(s): Litton Microwave Cooking Products, Litton Systems, Inc., 1405 Xenium Lane North, Minneapolis, MN 55441. Send protests to: District Supervisor, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 133689 (Sub-296TA), filed July 6, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. (1) *Containers, container enclosures, paper, paper products, printed matter and packaging and packaging materials (except commodities in bulk); (2) Equipment, materials and supplies used in the manufacture, sale, service and distribution of the commodities described in Part I above (except commodities in bulk)*, between Chicago and Shelbyville, IL, Fort Worth, TX, Louisville, KY and Millville, NJ, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, & TX, restricted to shipments originating at or destined to Continental Bondware for 180 days. Supporting shipper(s): Continental Bondware, Div. Manager of Traffic, Methods, & Controls, 800 East Northwest Highway, Palatine, IL 60067. Send protests to: District Supervisor, ICC 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 133689 (Sub-297TA), filed June 27, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street, Southwest, New Brighton, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses and in connection therewith equipment, materials and supplies used in the conduct of such business (except commodities in bulk)* from Ottawa, OH, Muncie and Decatur, IN, and Hoopston, IL to Eau Claire and LaCrosse, WI, St. Paul, St. Cloud, Rochester, Mankato, Willmar, Duluth, Minneapolis and Hibbing, MN, Fargo, Grand Forks, Devils Lake, Williston, Minot and Bismarck, ND, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pacific Gamble Robinson, P.O. Box 3687, Seattle, WA 98124. Send protests to: D/S, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 133689 (Sub-298TA), filed June 27, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street, Southwest, New Brighton, MN 55112. Representative:

Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Trailers, boat or recreational vehicle carrying, and parts and accessories thereto* from West St. Paul, MN to Jacksonville, FL and points in IL, MI, NJ, NY, OH and PA, for 180 days. Supporting shipper(s): Spartan Trailer Company, Marie Avenue, West St. Paul, MN 55118. Send protests to: D/S, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 134319 (Sub-11TA), filed July 13, 1979. Applicant: BRAAFLADT TRANSPORT COMPANY, 501 N. Broadway, P.O. Box 1065, Dimmitt, TX 79027. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. *Anhydrous ammonia, in bulk, in tank vehicles*, from the facilities of Center Plains Industries, Inc., at or near Sheerin, TX, to points in OK, KS, CO, and NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Center Plains Industries, Inc., P.O. Box 7970, Amarillo, TX 79109. Send protests to: Martha A. Powell, T/A, ICC, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 134319 (Sub-12TA), filed July 14, 1979. Applicant: BRAAFLADT TRANSPORT COMPANY, 501 N. Broadway, Dimmitt, TX 79027. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. *Anhydrous ammonia and ammonia nitrates* from the facilities of N-Ren Corporation at or near Carlsbad, NM, to points in AZ, TX, CO and NM, for 180 days. An underlying ETA seeks 90 days authority filed. Supporting shipper(s): N-Ren Corporation, Drawer H, Carlsbad, NM 88220. Send protests to: Martha A. Powell, Trans. Asst., ICC, Room 9A27 Fed. Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 134319 (Sub-13TA), filed July 25, 1979. Applicant: BRAAFLADT TRANSPORT COMPANY, P.O. Box 1065, Dimmitt, TX 79027. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. *Anhydrous ammonia, in bulk, in tank vehicles*, from the facilities of NAPCO Pipeline, at or near Mocane, OK to points in KS, TX, and CO for the account of Agrico Chemical Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Agrico Chemical Co., P.O. Box 3166, Tulsa, OK 74101. Send protests to: Martha A. Powell, TA, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 134349 (Sub-29TA), filed June 18, 1979. Applicant: B.L.T. CORPORATION, 405 Third Avenue, Brooklyn, NY 11215. Representative: Eugene M. Malkin, Suite 1832—2 World Trade Center, New York, NY 10048. *Contract carrier*, irregular

routes: *Iron and steel pipe fittings (except those which because of size or weight require the use of special equipment)*, from the facilities of Tube-Line Corporation at or near Long Island City, NY, to points in AL, AZ, CA, CO, FL, GA, ID, IL, IA, KY, LA, MI, MN, MO, MT, NE, NV, NM, NC, OH, OK, OR, PA, SC, TN, TX, UT, VA, WA, WV, WI, and WY, under a continuing contract(s) with Tube Line Corporation of Long Island City, NY; for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tube-Line Corporation, 48-11, 20th Avenue, Long Island City, NY 11105. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 135078 (Sub-56TA), filed July 9, 1979. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. *Felt base carpet vinyl samples and adhesives (except in bulk)* from the facilities of G. A. F. Corporation at Whitehall (Lehigh County), PA to points in AR, AZ, CO, IA, KS, LA, MS, NE, NM, OK, TX, UT and WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): G. A. F. Corporation, 1361 Alps Road, Wayne, NJ 07470. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 135078 (Sub-57TA), filed July 9, 1979. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. *Floor tile and materials and supplies used in the installation and maintenance thereof* from the facilities of G. A. F. Corporation at Vails Gate, NY to points in CO, IA, KS, LA, MO, NE, OK and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): G. A. F. Corporation, 1361 Alps Road, Wayne, NJ 07470. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 135078 (Sub-58TA), filed July 9, 1979. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. *Floor coverings and materials and supplies used in the installation and maintenance thereof* from the facilities of G. A. F. Corporation at Whitehall (Lehigh County), PA to points in IA, MO, and NE for 180 days. An underlying ETA seeks 90 days authority. Supporting

shipper(s): G. A. F. Corporation, 1361 Alps Road, Wayne, NJ 07470. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 135598 (Sub-26TA), filed June 14, 1979. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603. *Air compressors, air compressor parts, power pumps, power pump parts, machine parts I/S, engines internal combustion and rough castings*, from the facilities of Gardner-Denver Company at or near Quincy, IL to points in the states of CO, KS, NE, OK, TX, MN, MO, IA, LA, AR, MS, WI, TN, MI, IN, KY, AL, GA, SC, NC, VA, DC, WV, OH, PA, NY, NJ, MD, CT, and MA; and *materials used in the manufacture of air compressors, air compressor parts, power pumps, power pump parts, machine parts, I/S, engines internal combustion and rough castings*, in return for 180 days. An ETA has been granted for 90 days. Supporting shipper(s): Gardner-Denver Company, 1800 Garner Expressway, Quincy, IL 62301. Send protests to: Dave Hunt, T/A, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 135598 (Sub-28TA), filed June 29, 1979. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603. *Chemicals, cleaning or scouring compounds, buffing or polishing compounds, in containers*, from Pearl, MS to points in IL, IA, IN, MI, MO, OH, and WI; restricted to traffic originating at the facility of American Cyanamid Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Cyanamid Company, Berdan Avenue, Wayne, NJ 07470. Send protests to: David Hunt, TA, Rm. 1386, 219 S. Dearborn, Chicago, IL 60604.

MC 135598 (Sub-29TA), filed July 17, 1979. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603. *Iron and steel and iron and steel articles*, from the facilities of Bethlehem Steel Corp., Burns Harbor, IN, and the facilities of United States Steel Corp., Gary, IN, to points in IL on and south of U.S. Hwy 30, and points in IN on and south of U.S. Hwy 30 and east of Interstate Hwy 35, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United States Steel Corp., 1000 E. 80th Place, Merrillville, IN 46410. Send protests to:

David Hunt, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 135989 (Sub-8TA), filed July 3, 1979. Applicant: COAST EXPRESS, INC., P.O. Box 1215, Whittier, CA 90609. Representative: William J. Lippman, 50 South Steele Street, Suite 330, Denver, CO 80209. *Contract: irregular: Frozen beef, in boxes*, from New York, NY; Philadelphia, PA; and Wilmington, DE, to points in PA, OH, IN, KY, IL, MI, WI, MN, IA, AR, and to Kansas City, KS and St. Louis, MO, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): A. J. Cunningham Packing Corp., 1776 Heritage Drive, Quincy, MA 02171. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 136008 (Sub-115TA), filed July 19, 1979. Applicant: JOE BROWN COMPANY, INC., 20 Third Street, N.E., Ardmore, OK 73401. Representative: John Tipsword, 2900 N. Shields Ave., Moore, OK 73153. *Alumina*, in bulk, in tank vehicles, from Gramercy, LA, to Emporia, KS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sauder Industries, Inc., 221 Weaver, Emporia, KS 66801. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 136168 (Sub-40TA), filed June 11, 1979. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 3326, Des Moines, IA 50316. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. *Contract authority—Meats, meat products, meat by-products and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk)*, from the facilities of Briggs and Company, a subsidiary of Wilson Foods Corporation, at Landover, MD, to points in IA, KS, MN, MO, NE and WI for 180 days. Restricted to the transportation of traffic originating at the above named origins and destined to the named destinations. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OK 73105. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 136818 (Sub-83TA), filed July 3, 1979. Applicant: SWIFT TRANSPORTATION CO., INC., 335 W. Elwood Rd., Phoenix, AZ 85030. Representative: Donald Fernaays, 4040 E. McDowell Rd., Phoenix, AZ. *Detergents, fabric softeners and pool chemicals*, from the facilities of Georgia-

Pacific Corp. in Los Angeles County, CA to Houston, TX and Demopolis, AL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Georgia-Pacific Corp., 2425 Malt Ave., City of Commerce, CA 90040. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 136818 (Sub-84TA), filed July 11, 1979. Applicant: SWIFT TRANSPORTATION CO., INC., 335 W. Elwood Rd., Phoenix, AZ 85030. Representative: Donald Fernaays, 4040 E. McDowell Rd., Phoenix, AZ. *Iron and steel articles*, from Pueblo, CO to points in ID, KS, OK, NV, NM, MT, OR, TX, WA, WY and UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): C F & I Steel Corp., P.O. Box 316, Pueblo, CO 81002. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 136818 (Sub-85TA), filed August 1, 1979. Applicant: SWIFT TRANSPORTATION CO., INC., 335 W. Elwood Rd., Phoenix, AZ 85030. Representative: Donald Fernaays, 4040 E. McDowell Rd., Phoenix, AZ. *Bastnasite ore*, from the facilities of Molycorp located at Mountain Pass, CA to Beverly, Philo, Circleville, OH and York, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ohio Ferro Alloys Corp., P.O. Box 8228, Canton, OH 44711, Interlake Inc., 135th & Perry Ave., Chicago, IL 60627, R C A Picture Tube Division, 24200 S. U.S. 23, Circleville, OH 43113 and Molycorp, 350 N. Sherman St., York, PA 17403. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

[Notice No. 153]

August 20, 1979

MC 135598 (Sub-27TA), filed June 22, 1979. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603. *Dry animal and poultry feed, dry animal and poultry mineral mixtures, animal and poultry tonics and medicines, insecticides, pesticides, livestock and poultry feeders and equipment (except liquid commodities in bulk)*, from Quincy, IL to points in AK, LA and MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Moorman Mfg. Co., 1000 N. 30th St., Quincy, IL 62301. Send protests to: David Hunt, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 136818 (Sub-78TA), filed June 29, 1979. Applicant: SWIFT TRANSPORTATION CO., INC., 335 W. Elwood Rd., Phoenix, AZ 85030. Representative: Donald Fernaays, 4040 E. McDowell Rd., Phoenix, AZ. *Meat, Meat products, meat by-products and articles distributed by meat packinghouses*, from commercial zone of Phoenix, AZ to points in CA, NV, UT, NM, CO, KS, OK, MO, TX, OR WA, AR, LA and MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Evans Meat Co., Rt. "L" Box 234 "B", Laveen, AZ 85339. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 136818 (Sub-79TA) filed July 3, 1979. Applicant: SWIFT TRANSPORTATION CO., INC., 335 W. Elwood Rd., Phoenix, AZ 85030. Representative: Donald Fernaays, 4040 E. McDowell Rd., Phoenix, AZ. *Bananas and agriculture commodities exempt from regulation under Section 10526A6 of the Interstate Commerce Act with the transportation of mixed loads with bananas*, from Gulf Port, MS and Galveston, TX to points in MO, KS, IA, OK, NB, MN, WI, TX, CO, AR and IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Castle and Cook Foods, P.O. Box 8743, Metairie, LA 70011. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 136818 (Sub-80TA), filed July 3, 1979. Applicant: SWIFT TRANSPORTATION CO., INC., 335 W. Elwood Rd., Phoenix, AZ 85030. Representative: Donald Fernaays, 4040 E. McDowell Rd., Phoenix, AZ. *Salt*, from Salt Lake County, UT to points in CO and NM, for 180 days. Supporting shipper(s): Morton Salt Division, Morton-Norwich Products, Inc., 110 N. Wacker Dr., Chicago, IL 60606. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 136819 (Sub-3TA), filed June 11, 1979. Applicant: SPIVEY, INC., P.O. Box 674, Franklin, VA 23851. Representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, VA 23229. Contract—irregular. *Lumber, and building materials* between Petersburg, VA and points in Dinwiddie County, VA on the one hand, and on the other, points in DE, MD, NJ, NC, PA, SC, WV and DC for 180 days. Applicant seeks 90 days authority in underlying ETA. Supporting shipper(s): Roper Bros. Lumber Co., Inc., 130 Pocahontas Street, Petersburg, VA 23803. Send protests to: Paul D. Collins,

DS, ICC, Room 10-502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 136819 (Sub-4TA), filed June 11, 1979. Applicant: SPIVEY, INC., P.O. Box 674, Franklin, VA 23851. Representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, VA 23229. Contract—irregular. *Lumber and Plywood* from Petersburg, Richmond and Suffolk, VA (and points in the commercial zones thereof) and those in Brunswick, Chesterfield, Dinwiddie, Hanover, Henrico, Louisa, Surry, and Sussex Counties, VA, and points in Beaufort, Bertie, Craven, Cumberland, Franklin, Gates, Halifax, Hertford, Nash, Northampton, and Wake Counties, NC, on the one hand, and, on the other, New York, NY (and points in the commercial zone thereof), points in Nassau and Suffolk Counties, NY, and points in DE, MD, NC, NJ, PA, VA, and DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Payne & Gunderson Lumber Company, Inc., 20 East Tabb Street, Petersburg, VA 23803, Ron Auton, Assistant Treasurer. Send protests to: Paul D. Collins, DS, ICC, Room 10-502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 138328 (Sub-94TA), filed June 28, 1979. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I-80 and Highway 50, Omaha, NE 68137. Representative: J. F. Crosby, P.O. Box 37205, Omaha, NE 68137. *Tires, tubes and articles used in the distribution and installation of tires and tubes* from Des Moines, IA to points in AZ, CA, NV, and UT for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): R. J. Mitchell, General Traffic Manager, Armstrong Rubber Corp., 500 Sargent Drive, New Haven, CT 06507. Send protests to: District Supervisor Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 138328 (Sub-95TA), filed July 2, 1979. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, P.O. Box 37308, I-80 and Highway 50, Omaha, NE 68137. Representative: J. F. Crosby, P.O. Box 37205, I-80 and Highway 50, Omaha, NE 68137. *Lubricating oil* from the facilities of Texstar Automotive, Distribution Group, Quaker State Refining Corp. at or near St. Louis, MO to the facilities of Western Auto Supply Co. at Salina, KS and Temple, TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Western Auto Supply Company, 2107 Grand Ave., Kansas City, MO 64108, J. W. Dobyns, Traffic Manager. Send protests to: District Supervisor Carroll Russell, ICC,

Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 140829 (Sub-281TA), filed June 27, 1979. Applicant: CARGO, INC., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Representative: William J. Hanlon, Esq., 55 Madison Avenue, Morristown, New Jersey 07960. *Commodities as dealt in by wholesale and retail grocery and chain stores, plastic articles, chemicals and compressed gas in cylinders* from the facilities utilized by Dry Storage Corporation in Chicago, IL to points in CO, IA, KS, MA, MO, NE, NJ, NY, and PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): William H. Maund, Manager, Traffic & Distribution, Dry Storage Corporation, 2005 West 43rd Street, Chicago, IL 60609. Send protests to: District Supervisor Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 140829 (Sub-282TA), filed June 26, 1979. Applicant: CARGO, INC., P.O. Box 206, US Hwy 20, Sioux City, IA 51102. Representative: William J. Hanlon, Esq., 55 Madison Ave., Morristown, NJ 07960. *Coffee and beverage preparations (except in bulk, in tank vehicles)*, from Edgewater, NJ to points in IN, MN, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hills Bros. Coffee, Inc., Edgewater, NJ 07020. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 140829 (Sub-283TA), filed June 26, 1979. Applicant: CARGO, INC., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Representative: William J. Hanlon, Esq., 55 Madison Avenue, Morristown, New Jersey 07960. *Fresh and frozen meat from Palestine*, TX to points in the states of IL, IA, MO, NY, OH and PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Vernon V. Fritze, Jr., Calhoun Pkg. Co., Box 709, Palestine, TX 75801. Send protests to: District Supervisor Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 140829 (Sub-284TA), filed July 10, 1979. Applicant: CARGO, INC., P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: David L. King, same as above. *Meat, meat by-products used in the manufacturing of pet food* from Amarillo, TX to points in IL, IN, KS and OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Consolidated Pet Food Inc., P.O. Box 30488, Amarillo, TX 79120. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 140829 (Sub-285TA), filed July 12, 1979. Applicant: CARGO, INC. (formerly Cargo Contract Carrier Corp.), P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: David L. King, Vice President, same address as applicant. *Paper and paper products* from the facilities of Federal Envelope at Dallas, TX to points in IL, NJ, OK, and PA for 180 days. An underlying ETA seeks 90 days authority. Restricted to traffic originating at the named origins and destined to the named destination states. Supporting shipper(s): Federal Envelope, 14001 Inwood Road, Dallas, TX 75234. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 140829 (Sub-286TA), filed July 12, 1979. Applicant: CARGO, INC. (formerly Cargo Contract Carrier Corp.), P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: David L. King, Vice President, same address as applicant. *Paper and paper products* from Dallas, TX to points in IL, MA, MI, NJ, NY, OH and PA for 180 days. An underlying ETA seeks 90 days authority. Restricted to traffic originating at the named origins and destined to the named destinations. Supporting shipper(s): Drawing Board Greeting Cards, Inc., P.O. Box 220355, Dallas, TX 75222. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 140829 (Sub-287TA), filed July 16, 1979. Applicant: CARGO, INC. (formerly Cargo Contract Carrier Corp.), P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: David L. King, Vice President, same address as applicant. *Wire, cable and tape, and materials, equipment and supplies utilized in the manufacture and distribution of wire, cable, and tape (except in bulk in tank vehicles)* from the facilities utilized by Brand-Rex Company at or near Willimantic, CT to points in AR, IL and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Brand-Rex Company, Willimantic, CT 06226. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 140829 (Sub-288TA), filed July 17, 1979. Applicant: CARGO, INC. (formerly Cargo Contract Carrier Corp.), P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: David L. King, Vice President, same address as applicant. *Metal shelving, tables, check-out counters, and display cases* from the facilities of Maytex Manufacturing Company at or near Terrell, TX to points in IA, IL, MI, MN, NY, OH, and WI for 180 days. An underlying ETA seeks 90

days authority. Restricted to traffic originating at the named origins and destined to the named destination points. Supporting shipper(s): Maytex Manufacturing Company, 1210 Airport Road, Terrell, TX 75160. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 140869 (Sub-13TA), filed June 19, 1979. Applicant: KERRI TRUCKING, INC., 240 South River Street, Hackensack, NJ 07601. Representative: David Olsen, 116 Williams Avenue, Old Tappan, NJ. Contract, irregular. *Metal swimming pools and cabinets*, from Carlstadt, NJ to all points in the US, except AK and HI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kero Metals, Delta Industries, Inc., 99 Kero Road, Carlstadt, NJ. Send protests to: Joel Morrows, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 140869 (Sub-14TA), filed July 23, 1979. Applicant: KERRI TRUCKING, INC., 240 South River Street, Hackensack, NJ 07601. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Contract, irregular. *Flour, grains, beverage preparations, syrups, bread crumbs, and bakery products, and materials, equipment and supplies used in the manufacture and sale of the foregoing commodities (except commodities in bulk)*, between Ponchatula, LA; Vernon, CA; and Evansville, IN on the one hand, and on the other, points in the US (except AK and HI) under a continuing contract or contracts with Modern Maid Food Products, Inc., Garden City, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Modern Maid Food Products, 200 Garden City Plaza, Garden City, NY 11530. Send protests to: D/S Joel Morrows, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 142059 (Sub-82TA), filed June 18, 1979. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley, address same as applicant. *Iron and steel pipe*; from (1) Joliet, IL to Jackson and Detroit, MI and (2) Canton, OH to Joliet, IL for 180 days. An underlying ETA was granted for 90 days. Supporting shipper(s): Universal Pipe and Supply, Inc., P.O. Box 404, Joliet, IL 60434. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 142059 (Sub-83TA), filed June 18, 1979. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley, address same as applicant. *Enameled steel silos, loading and unloading devices, waste storage tanks,*

livestock feed bunkers, forage metering devices, animal waste spreader systems, manure spreaders and parts and accessories for the above named commodities from DeKalb and Eureka, IL and Vinton, IA to points in MN, IA, MO, AR, LA and all states east thereof; for 180 days. Supporting shipper(s): A. O. Smith Harvestore Products Co., 345 Harvestore Drive, DeKalb, IL 60115. Send protests to: Annie Booker, TA, ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 142059 (Sub-84TA), filed June 26, 1979. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley, 1830 Mound Road, Joliet, IL 60436. *Lehrs* (ovens, glass annealing or decorating) or parts thereof from Uniontown, PA to Winchester, IN; Lancaster, Niles and Cleveland, OH; Lakeland, FL; Montgomery, AL; Englewood and Wharton, NJ; Toano, VA and Henryetta, OK for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): E. W. Bowman, Inc., Route 51 North, P.O. Box 849, Uniontown, PA 15401. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 142059 (Sub-85TA), filed July 11, 1979. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Rd., Joliet, IL 60436. Representative: Jack Riley, same address as applicant. *Steel fencing*, from Monessen, PA to points in VA, KY, IL, IA, MN and states east and north thereof, for 180 days. Supporting shipper(s): Acco Industries, Page Fence Division, 1st & River St., Monessen, PA 15062. Send protests to: Annie Booker, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 142059 (Sub-86TA), filed June 19, 1979. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley, address same as applicant. *Aluminum and aluminum articles* from McCook, IL to points in CT, DE, MA, ME, MD, NH, NJ, NY, OH, PA, RI, WV, VA and VT for 180 days. Supporting shipper(s): Reynolds Metals Co., Richmond, VA 23261. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 142398 (Sub-3TA), filed June 21, 1979. Applicant: FAST FORWARD, INC., 17 Delaware Avenue, West Long Branch, NJ 07764. Representative: Eugene M. Malkin, Suite 1832-2 World Trade Center, New York, NY 10048. *Contract, irregular. Such merchandise as is dealt in or used by retail department stores (except commodities in bulk)*, from Ridgefield, NJ to New York, NY, Philadelphia, PA and

Washington, DC and points in the commercial zones thereof, under a continuing contract (s) with S. H. Kress & Company of New York, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): S. H. Kress & Company, 114 Fifth Avenue, New York, NY 10011. Send protests to: Robert J. Latarewicz, TR&TS, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 142508 (Sub-92TA), filed June 25, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 So. 144th St., Omaha, NE 68137. Representative: L. N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Fruit and berry products (except in bulk)*, from the facilities utilized by Diamond Sunsweet at Grawn, MI to Bordontown, NJ; Middleboro, MA; N. Chicago, IL; Northeast, PA; and points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Diamond Sunsweet, P.O. Box 1727, Stockton, CA 95201. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 142508 (Sub-93TA), filed June 25, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 So. 144th St., Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Fruit and berry products (except in bulk)*, from the facilities of Diamond Sunsweet at Union City, CA to points in AZ, MN, ND, SD, OK, TX, UT, WI, CO, IL, IA, KS, MO, and NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Diamond Sunsweet, P.O. Box 1727, Stockton, CA 95201. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 142508 (Sub-94TA), filed June 26, 1979. Applicant: NATIONAL TRANSPORTATION, INC., 10810 So. 144th St., P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses (except frozen commodities and commodities in bulk)* from the facilities of The Clorox Company at Kansas City, MO to points in NE and SD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Clorox Company, 1221 Broadway Street, Oakland, CA 94612 Beverly Ruth Mitchell, Staff Traffic Manager. Send protests to: District Supervisor Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 142508 (Sub-95TA), filed June 28, 1979. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South

144th Street, P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Frozen fruit and berry product (except in bulk)* from the facilities utilized by J. M. Smuckers Company in Los Angeles, CA and its commercial zone, Oxnard and Watsonville, CA to Bettendorf, IA; Kansas City, MO and its commercial zone; Memphis, TN; Orrville, OH; and points in IL, IN and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Rosalie Cranford, Distribution Manager, The J. M. Smucker Company, California Farm Products Div., 423 Salinas Road, Watsonville, CA 95076. Send protests to: District Supervisor Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 142508 (Sub-96TA), filed July 2, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th Street, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Pourable salad dressing (except frozen commodities and commodities in bulk)* from the facilities of Swiss Chalet Products Company (a wholly owned subsidiary of The Clorox Company) at Wichita, KS to Fredericksburg, VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Clorox Company, 1221 Broadway St., Oakland, CA 94612, Beverly Ruth Mitchell, Staff Traffic Manager. Send protests to: District Supervisor Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 142508 (Sub-97TA), filed July 5, 1979. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Automotive parts (except in bulk)* from the facilities of Corning Distribution Company at Corning, AR to Reno, NV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Corning Distribution Co., 9666 Olive St., St. Louis, MO 63132. Send protests to: D/S Carroll Russell, Suite 620, ICC, 110 North 14th Street, Omaha, NE 68102.

MC 142508 (Sub-98TA), filed July 9, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th Street, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Paper and paper products, of natural or synthetic fibers, and materials, equipment and supplies used in the manufacture or distribution of paper and paper products* between Fond du Lac, Green Bay, Marinette and Oconto Falls, WI and Chicago, IL on the

one hand, and on the other, points in CO, IA, KS, MN, MO, ND, NE, OK and SD for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Scott Paper Company, Scott Plaza, Philadelphia, PA 19113. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 142508 (Sub-99TA), filed July 11, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th St., Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Frozen foods* from Los Angeles, CA and its commercial zone and Oxnard, CA to points in CO, CT, DC, IL, IN, IA, KS, MD, MA, MI, MN, MO, NE, NJ, NY, OH, PA and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Oxnard Frozen Foods Cooperative, P.O. Box 1427, Oxnard, CA 93032. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 142508 (Sub-100TA), filed July 12, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th St., Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Frozen foods* from Watsonville, Salinas and San Jose, CA to points in GA, MA, MO, MN, NY, ND, PA, SD, VA and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Naturipe Berry Growers, 305 Industrial Road, Watsonville, CA 95076. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 142508 (Sub-101TA), filed July 13, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th St., Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Fruit and berry products (except commodities in bulk)* (1) From Markham, WA to points in CA; (2) From North East, PA to points in ND and SD; (3) From Erie, PA and Boston, MA and its commercial zone to points in CO, IL, IA, IN, KS, KY, LA, MI, MO, MN, NE, ND, OH, OK, SD, TN, TX, and WI; (4) From Middleboro, MA to points in LA, OK, and TX, and (5) From Bordentown, NJ to points in LA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ocean Spray Cranberries, Inc., Water Street, Plymouth, MA 02360. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 142508 (Sub-102TA), filed July 18, 1979. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box

37465, 10810 South 144th St., Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Egg containers and related packaging materials* from Hammond, IN; Frankfort, IL; Chicago, IL and its commercial zone; Shakopee, MN; Red Bluff, CA; Cincinnati, OH; and Natchez, MS to Wakefield, NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Milton G. Waldbaum Company, 501 North Main St., Wakefield, NE 68784. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 143059 (Sub-99TA), filed July 3, 1979. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, Ky. 40232. Representative: John N. Nader, Atty., 1600 Citizens Plaza, Louisville, Ky. 40202. Lumber and wood products and accessories used in the installation thereof, from Eugene, Junction City, and Hillsboro, OR, to points in the U.S., in and east of ND, SD, NE, KS, OK, and TX, restricted to traffic originating at the facilities of Trus-Joist Corp. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Earl W. Quarles, Mgr. Customer Service, Trus Joist Corp., 195 No. Bertelsen Road, Eugene, OR 97402. Send protests to: Mrs. Linda H. Sypher, D/S, ICC, 426 Post Office Bldg., Louisville, Ky. 40202.

MC 143059 (Sub-100TA), filed July 17, 1979. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY. 40232. Representative: John M. Nader, Atty., 1600 Citizens Plaza, Louisville, KY. 40292. Lumber and wood products and accessories used in the installation thereof, from Eugene, Junction City, and Hillsboro, OR, to points in the U.S., in and east of ND, SD, NE, KA, OK, and TX, restricted to traffic originating at the facilities of Trus-Joist Corp. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Earl W. Quarles, Trus Joist Corp., 195 No. Bertelsen Rd., Eugene, OR 97402. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY. 40202.

MC 143059 (Sub-101TA), filed July 18, 1979. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY. 40232. Representative: John M. Nader, Atty., 1600 Citizens Plaza, Louisville, KY 40402. Iron and Steel Articles, from the facilities of Century Tube, Inc., at or near Pine Bluff, AR to points in AL, AZ, CO, FL, GA, IA, KS, KY, LA, MN, MS, MO, NE, NM, NC, ND, OK, SC, SD, TN, TX, VA, and WV, restricted to the transportation of traffic originating at

the named facilities and destined to the said points. For 180 days. Supporting shipper(s): Don Woodruff, Century Tube, Inc., P.O. Box 7612, Pine Bluff, AR 71611. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY. 40202.

MC 143478 (Sub-12TA), filed May 22, 1979. Applicant: G. P. THOMPSON ENTERPRISES, INC., P.O. Box 146, Midway, AL 35653. Representative: Terry P. Wilson, 420 So. Lawrence Street, Montgomery, AL 36104. Contract, irregular: *Malt beverages* (except in bulk), from Jacksonville, FL and its commercial zone, to the facilities of Capital City Beverage Co., of Troy, Inc., at or near Brundidge, AL, under contract with Capital City Beverage Co., of Troy, Inc., of Brundidge, AL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Capital City Beverage Co. of Troy, Inc., P.O. Box 38, Brundidge, AL 36010. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 143499 (Sub-3TA), filed July 13, 1979. Applicant: DOUBLE NICKEL TRANSPORT LTD., 50 South Main St., Pearl River, NY 10965. Representative: John L. Alfano, Esq. & Ray A. Jacobs, Esq., Alfano & Alfano, P.C., 550 Mamaroneck Avenue, Harrison, NY 10528. *Contract carrier, irregular routes: Chemicals, resins, and plastics, and supplies, materials and equipment used in their production (except in bulk and plastic pipe)*, (a) between McIntosh, Montgomery, Birmingham and Mobile, AL, on the one hand, and, on the other, all points in the US except AK, HI, ID, MT, NM, UT, and WY; and (b) between Farmingdale and Toms River, NJ, on the one hand, and, on the other, Los Angeles and San Francisco, CA; Portland and Milwaukie, OR, for 180 days; an underlying ETA seeks 90 days authority. Supporting shipper(s): Ciba-Geigy Corporation, Ardsley, NY 10502. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

MC 143739 (Sub-22TA), filed June 26, 1979. Applicant: SHURSON TRUCKING CO., INC., P.O. Box 147, New Richland, MN 56072. Representative: Michael L. Carter (same address as applicant). *Foodstuffs (except in bulk)* from the facilities of Anderson Clayton Foods TN, TX, UT and WI; from the facilities of Anderson Clayton Foods located at Jacksonville, IL to points in FL, GA, IN, IA, KY, MI, MN, NE, ND, OH, SD, TN, TX, UT and WI; and from the facilities of Anderson Clayton Foods located at Sherman, TX to points in AR, CA, FL, GA, IL, KS, MN, MO, NE, OH, TN and

UT, for 180 days. Supporting shipper(s): Anderson Clayton Foods Inc., P.O. Box 226165, Dallas, TX 75266. Send protests to: District Supervisor, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 143739 (Sub-23TA), filed July 2, 1979. Applicant: SHURSON TRUCKING CO., INC., P.O. Box 147, New Richland, MN 56072. Representative: Michael L. Carter (same address as applicant). *Paper and paper products, of natural or synthetic fiber, and materials, equipment and supplies used in the manufacture or distribution of paper and paper products (except in bulk)*, between Marinette, Green Bay, Oconto Falls, and Fond du Lac, WI, on the one hand, and, on the other, points in the states of IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, and SD, for 180 days. Supporting shipper(s): Scott Paper Company, Senior Transportation Project Manager, Scott Plaza I, Philadelphia, PA 19113. Send protests to: District Supervisor, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 143909 (Sub-8TA), filed June 20, 1979. Applicant: KIRBY TRANSPORT, INC., Sola Drive and East End Drive, P.O. Box 17, Gilberts, IL 60136. Representative: Stuart R. Mandel, 315 S. Beverly Drive, Suite 315, Beverly Hills, CA 90212. *Contract carrier: irregular routes: Equipment and supplies used by clinical, industrial, educational and research laboratories (except in bulk)*, from Gurnee, IL to Charlotte, NC, Stone Mountain, GA and Ocala and Miami, FL under a continuing contract with Scientific Products Division, American Hospital Supply Corp. for 180 days. Supporting shipper(s): American Hospital Supply Corp., 1430 Waukegan Road, McGaw Park, IL 60085. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 1440008 (Sub-2TA), filed July 6, 1979. Applicant: STORE TRANSFER & DELIVERY SERVICES, INC., 226 Mill Street, Poughkeepsie, New York 12601. Representative: Ronald I. Shapp, Esq., 450 Seventh Avenue, New York, NY 10001. *Contract carrier: irregular routes: Such merchandise as is dealt in by retail department stores (excluding commodities in bulk)*, between points in the New York, NY commercial zone, on the one hand, and, on the other, points in Columbia, SC; Flint and Lansing, MI; Evansville and Vincennes, IN; and Huntington, WV, for 180 days. An underlying ETA was granted for 90 days authority. Supporting shipper(s): J. W. Knapp, 300 S. Washington Ave., Lansing, MI 48914, Interstate Dept.

Stores Inc., P.O. Box 825, Latham, NY 12110, A. H. Brennon, P.O. Box 247, Columbia, SC. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 144549 (Sub-7TA), filed June 29, 1979. Applicant: PITTSVILLE SERVICES INC., 146 Daniels Avenue, Pittsfield, MA 01201. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *Contract carrier: irregular routes: Wood flour*, between the facilities of Genal Products Business Section, Plastics Division, General Electric Company located at Pittsfield, MA and the port of entry on the International Boundary Line located at Rouses Point, NY, restricted to shipments originating at or destined to Ste. Agathe, Quebec, Canada, under a continuing contract with Genal Products Business Section, Plastics Division, General Electric Company, for 180 days. An underlying ETA seeks authority for 90 days. Supporting shipper(s): Genal Products Business Section, Plastics Division, General Electric Company, 100 Woodlawn Avenue, Pittsfield, MA 01201. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 144609 (Sub-7TA), filed June 26, 1979. Applicant: ADAN J. DOMINGUEZ, d.b.a. DOMINGUEZ BROS., 1500 South Zarzamora Street, San Antonio, TX 78207. Representative: Kenneth R. Hoffman, 801 Vaughn Building, Austin, TX 78701. *Cement, in bags* from points in TX to points in CA for 180 days. An underlying ETA seeking 90 days authority filed. Supporting shipper(s): T. L. Adams Enterprises, 17232 Foley Dr., Yorba Linda, CA 92686. Send protests to: Opal M. Jones, Trans., Asst., I.C.C. Room 9A27 Fed. Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 144688 (Sub-27TA), filed June 18, 1979. Applicant: READY TRUCKING, INC., 4722 Lake Mirror Place, Forest Park, GA 30050. Representative: Lavern R. Holdeman, 521 South 14th St., Suite 500, Lincoln, NE 68501. *Animal and poultry feed, fish feed and corn products (except in bulk)* from the facilities of The Jim Dandy Company and its subsidiaries at or near Birmingham and Decatur, AL and Springfield, TN to points in the states of GA, LA, MS, NC, SC and TN (except points in TN from Springfield, TN) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Jim Dandy Company, P.O. Box 10687, Birmingham, AL 35202. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW., Rm. 300, Atlanta, GA 30309.

MC 144688 (Sub-28TA), filed June 18, 1979. Applicant: READY TRUCKING, INC., 4722 Lake Mirror Place, Forest Park, GA 30050. Representative: Lavern R. Holdeman, 521 South 14th St., Suite 500, Lincoln, NE 68501. *Scrap Plastics* from Birmingham, AL, Miami, FL and Murfreesboro, TN and points in their respective commercial zones to the facilities of ABC Polymers, Inc. at or near Atlanta, GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): ABC Polymers, Inc., 2561 S. Ponte Vedra Blvd., Ponte Vedra Beach, FL 32082. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW., Rm. 300, Atlanta, GA 30309.

MC 144688 (Sub-29TA), filed June 25, 1979. Applicant: READY TRUCKING, INC., 4722 Lake Mirror Place, Forest Park, GA 30050. Representative: Lavern R. Holdeman, 521 S. 14th St., Suite 500, Lincoln, NE 68501. *Animal feed and animal feed ingredients (except in bulk)* from the facilities of Sunshine Mills, Inc. at or near Red Bay, AL and Tupelo, MS to points in the states of FL, GA, KY, OH and TN for 180 days. Supporting shipper(s): Sunshine Mills, Inc., P.O. Drawer S., Red Bay, AL 35582. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm 300, Atlanta, GA 30309.

MC 144688 (Sub-30TA), filed July 12, 1979. Applicant: READY TRUCKING, INC., 4722 Lake Mirror Place, Forest Park, GA 30050. Representative: Lavern R. Holdeman, 521 S. 14th St., (P.O. Box 81849), Lincoln, NE 68501. *Sugar* from the facilities of Godchaux Hendersen Sugar Co., Inc. at or near Kenner and Reserve, LA to points in AL, AR, FL, GA, MS, NC, SC and TN for 180 days. Supporting shipper(s): Godchaux Hendersen Sugar Co., Inc., P.O. Drawer AM, Reserve, LA 70084. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm 300, Atlanta, GA 30309.

MC 144888 (Sub-8TA), filed May 25, 1979. Applicant: BIL-RIC TRANSPORT SYSTEMS, INC., 130 Somerset Street, Somerville, NJ 08876. Representative: Joel J. Nagel, 19 Back Drive, Edison, NJ 08817. *Contract carrier, irregular routes* for 180 days. Office equipment, supplies and plastic articles and materials used in their manufacture. (1) From St. Petersburg, FL to Park Ridge, NJ with a stop off at Bardstown, KY. (2) Between Park Ridge, NJ on the one hand, and, on the other, Rochester, NY. An underlying ETA seeks 90 days authority. Supporting shipper(s): Burroughs Corporation, 78 Park Avenue, Park Ridge, NJ 07656. Send protests to: Irwin Rosen, TS, ICC, 744

Broad Street, Room 522, Newark, NJ 07102.

MC 145428 (Sub-2TA), filed July 5, 1979. Applicant: CLIFF REED, Rt. 1, Box 510, Corvallis, MT 59828. Representative: John D. Greef, Recht & Greef, P.O. Box 149, Hamilton, MT 59840. Contract carrier-irregular routes: Lumber from MT, ID, WA, and OR to points in ND and SD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fox Lumber Sales, Inc., P.O. Box 1021, Hamilton, MT 59840. Send protests to: Paul J. Labane, DS, ICC., 2602 First Avenue North, Billings, MT 59101.

MC 145869 (Sub-3TA), filed June 22, 1979. Applicant: WILLIS TRUCKING CO., INC., Route 2, Willis, VA 24380. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. (1) *New Furniture and Pictures* from the facilities of Bassett Mirror Company, Inc., at Bassett and Philport, VA to points in AZ and NV for 180 days and; (2) *Glass*, from the facilities of PPG Industries at or near Cumberland, MD; Mt. Holly Springs, PA, and Wichita Falls, TX to the facilities of Bassett Mirror Company, Inc. at Bassett and Philport, VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bassett Mirror Company Inc., P.O. box 627, Bassett, VA 24055. Send protest to: Charles F. Myers, DS, ICC, Room 10-502 Federal Bldg., 400 North 8th Street Richmond, VA 23240.

MC 145869 (Sub-4TA), filed July 12, 1979. Applicant: WILLIS TRUCKING CO., INC., Route 2, Willis, VA 24380. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *New Furniture*, from the facilities of Pulaski Furniture Corp. at Dublin, Martinsville, and Pulaski, VA to points in AZ, CA, CO, NV, OR, UT and WA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pulaski Furniture Corp. Pulaski, VA. Send protests to: Charles F. Myers, DS, ICC, Room 10-502, Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 145999 (Sub-4TA), filed July 3, 1979. Applicant: WESTERN DRYWALL TRANSPORT, INC. d.b.a. WESTERN DIRECT TRANSPORT 2001 Broadway, Vallejo, CA 94590. Representative: Ronald D. Davis (same address as applicant). Ph (707) 552-8777. *Gypsum Wallboard and materials and supplies used in the installation of Gypsum Wallboard*, from Sigurd, UT to points in CA and NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): UWS Materials & Supply Co., Inc., 2001 Broadway, Vallejo, CA 94590. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 146218 (Sub-1TA), filed June 22, 1979. Applicant: REMO G. RICCI d.b.a. RICCI BROTHERS TRUCKING, 600 Stage Gulch Road, Petaluma, CA 94952. Representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, CA 94111. Ph (415) 986-1414. *Agricultural commodities in bulk* between points in CA and North of San Luis Obispo, Kern and San Bernardino counties, on the one hand and, on the other, points in Douglas, Lyon, Churchill, Storey, Humboldt, Pershing and Washoe counties, NV, for 180 days. Supporting shipper(s): Ivy Branches, Inc., Yerington, NV. Cockeye Ranches, Orivada, NV. Send protests to: A. J. Rodrigues/ 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 146329 (Sub-6TA), filed July 2, 1979. Applicant: W-H TRANSPORTATION CO., INC., P.O. Box 1222, Wausau, WI 54401. Representative: Wayne Wilson, 150 E. Gilman St., Madison, WI 53703. *Animal and poultry feeding equipment* from facilities of Klein Mfg. Corp. at Burlington, IA to points in AL, FL, GA, IL, IN, KS, KY, LA, MN, MO, NE, OH, OK, TN and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Klein Mfg. Corp., P.O. Box 807, Burlington, IA 52601. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 146389 (Sub-1TA), filed June 15, 1979. Applicant: RENO & SONS, INC., Route 1, Box 324, Warrior, AL 35180. Representative: E. S. Reno, Jr., 1854 Fultondale Apt. Road, Fultondale, AL 35068. *Ground Fire Clay* in dump vehicles, from Birmingham, AL to Cordele, GA, VIA I-65, I-85, and HWY 280. From Andersonville, GA to Birmingham, AL, VIA HWY 26, 280, I-85, and I-65. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Cupola & Foundry Service Corp., 2910 Crescent Avenue, Birmingham, AL 35209. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616-2121 Building, Birmingham, AL 35203.

MC 146518 (Sub-2TA), filed June 6, 1979. Applicant: OWEN MOTOR FREIGHT LINES, INC., P.O. Box 7516, Alexandria, LA 71306. Representative: B. J. Owen (same address as applicant). Applicant is seeking authority to operate as a *common carrier over irregular routes transporting Acrylics, and plastic resins, in bags, boxes, or sheets, not in liquid bulk*, from points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI to points in CT, GA, IN, IL, KY,

LA, MD, MA, MI, NJ, NC, NY, OH, PA, SC, and TX, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Plexchem International, Inc., 5 Beechwood Court, Dix Hill, NY 11746. Send protests to: Robert J. Kirspeel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 146518 (Sub-3TA), filed June 22, 1979. Applicant: OWEN MOTOR FREIGHT LINE, INC., P.O. Box 7516, Alexandria, LA 71306. Representative: Bruce E. Mitchell, SERBY & MITCHELL, P.C., 3390 Peachtree Road, N.E., Atlanta, GA 30326. *Chemicals, wood fillers, patching compound and preservatives, except commodities in bulk, in tank vehicles*, from Pineville, LA and Lithonia, GA to St. Louis, MO; Doe Run, KY; and points in NC, SC, GA, AL, MS, LA, TX, and FL and (2) *materials, equipment and supplies used in the production and distribution of plywood*, on return, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Willamette Company, P.O. Box 1183, Pineville, LA 71360. Send protests to: Robert J. Kirspeel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 146578 (Sub-7TA), filed July 2, 1979. Applicant: PALMETTO MOTOR LINES, INC., 7153 Lone Oak Road, Spartanburg, SC 29303. Representative: Nina G. Shults, P.O. Box 6445, Spartanburg, SC 29304. *Foodstuffs*, from the facilities of Bruce Foods, Inc. at or near Lozes, LA to points in MS, AL, FL, GA, NC, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bruce Foods, Inc., P.O. Drawer 1030, New Iberia, LA 70560. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 146858 (Sub-3TA), filed June 25, 1979. Applicant: AMHERST ENTERPRISES, INC., 9 East Pleasant Street, Amherst, Massachusetts 01002. Representative: Patrick A. Doyle, 60 Robbins Road, Springfield, MA 01104. Contract carrier: irregular routes: *Beer*, from Newark, NJ and Philadelphia, PA to points in ME, NH, VT, MA, CT and RI, for 180 days. An underlying ETA was granted for 90 days. Supporting shipper(s): Lion Distributors, Inc., 54 Hermon Street, Worcester, MA 01600. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 146918 (Sub-1TA), filed June 6, 1979. Applicant: N & N CHARTER TOURS d.b.a. CAREFREE BUS SERVICE, P.O. Box 8152, Haledon, NJ 07508. Representative: Edward F. Bowes,

Esq., 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Common, regular. *Passengers and their baggage in same vehicle with passengers.* Between Lyndhurst, NJ and New York, NY from Lake Ave. and Orient Way in Lyndhurst over Orient Way to Rutherford Avenue, then over Rutherford Avenue and ramps to NJ 3, then over NJ 3 to Int. 495 and Lincoln Tunnel ramps to Lincoln Tunnel, then via the Lincoln Tunnel to New York, NY and return over the same routes, serving no intermediate points and serving Lyndhurst, NJ for the purpose of joinder only at Lake Avenue and Orient Way, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): None. Send protests to: Joel Morrows, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 147128 (Sub-1TA), filed June 12, 1979. Applicant: IRISH TRANSPORTATION, INC., P.O. Box 741, Dublin, GA 31021. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. *Newsprint paper, waste newspapers, cores and other supplies, materials and equipment, excluding materials in bulk, used in the manufacture or distribution of newsprint from Laurens County, GA to points in AL, AR, FL, GA, IL, IN, KY, LA, MD, MS, MO, NC, OH, OK, PA, SC, TN, TX, VA and WV and from the points above to Laurens County, GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Southeast Paper Manufacturing Co., P.O. Box 1169, Dublin, GA 31021. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree ST., N.W., Rm. 300, Atlanta, GA 30309.*

MC 147288 (Sub-1TA), filed June 29, 1979. Applicant: FREIGHT OPERATIONS, INC., 165 Campus Plaza, Raritan Center, Edison, NJ 08817. Representative: Henry J. Capro, Esq., 1585 Morris Avenue, Union, NJ 07083. *Contract carrier, irregular routes for 180 days. Tires, tire tubes, rims and wheels, batteries, battery acid, oil, oil filters, shock absorbers (except commodities in bulk or tank vehicles) from NJ to points in CT, DE, MD, NJ, NY, PA, MA and Washington, DC. An underlying ETA seeks 90 days authority. Supporting shipper(s): Delta Tire Corp. 65 Brunswick Avenue, Edison, NJ 08817. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.*

MC 147319 (Sub-1TA), filed March 28, 1979. Applicant: LUCKEY TRUCKING, INC., RR 5, Streator, IL 61364. Representative: James R. Madler, 120 West Madison Street, Chicago, IL 60602. *Sand, in bulk, from Troy Grove, IL and Bridgman, MI to points in IL, IN, OH, MI and Louisville, KY, for 180 days. Supporting shipper(s): Manley Bros.,*

P.O. Box 538, Chesterton, IN 46304. Send protests to: Annie Booker, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 147328 (Sub-1TA), filed May 17, 1979. Applicant: CLIFTON TRUCKING CORPORATION, 101 Broad Avenue—P.O. Box 146, Fairview, NJ 07022. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract, irregular. Swimming pools, file and storage cabinets, and radiator enclosures and convectors, and materials and supplies used in the manufacture and sales thereof on return, from Carlstadt, NJ to all points in the U.S. East of the Mississippi River, and LA, MN, OK & TX, for 180 days. An underlying ETA will be filed seeking 90 days authority. Supporting shipper(s): Kero Metal Products Company, Delta Metal Products Co., Inc., Aqualine Industries, Inc., 99 Kero Road, Carlstadt, NJ 07072. Send protests to: Joel Morrows, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.*

MC 147328 (Sub-2TA), filed July 5, 1979. Applicant: CLIFTON TRUCKING CORPORATION, 101 Broad Avenue, Fairview, NJ 07022. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier, irregular routes for 180 days. Candy and confectionery from Champlain, NY to Atlanta, GA, Jacksonville, FL, Chicago, IL, Indianapolis, IN, Los Angeles, CA, Minneapolis, MN, and Memphis and Chattanooga, TN. An underlying ETA seek 90 days authority. Supporting shipper(s): Dalt International, Inc., 360 Sylvan Avenue, Englewood Cliff, NJ 07632. Send protests to: Joel Morrows, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.*

MC 147329 (Sub-1TA), filed May, 15, 1979. Applicant: ALL STATE TRANSPORT, INC., 16854 Mooncrest Dr., Encino, CA 91436. Representative: William Davidson, 2455 E. 27th St., Los Angeles, CA 90058. *Contract: Irregular: Ferrous & non-ferrous metals raw, in ingots, blanks & other unfinished shapes, and metal articles ferrous & non-ferrous, between California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Texas, Utah, Washington and Arizona, for 180 days. Supporting shipper(s):*

Capitol Metals Co., Inc., 261 South Vasco Road, Livermore, CA 94550. California Steel Works, Inc., 5723 Naylor Avenue, Livermore, CA 94550.

Send protests to: Irene Carlos, P.O. Box 1551, Los Angeles, CA 90053.

MC 147339 (Sub-2TA), filed May 9, 1979. Applicant: MID-NORTHERN TRANSFER CO., Box 141, Grand Ridge, IL 61325. Representative: Michael W.

O'Hara, 300 Reisch Building, Springfield, IL 62701. *Sand, in bulk, from points in LaSalle County, IL to the facilities of Thatcher Glass Manufacturing Co., Division of Dart Industries, at Lawrenceburg, IN for 180 days. Supporting shipper(s): Thatcher Glass Manufacturing Co., P.O. Box 265, Elmira, NY 14902. Send protests to: David Hunt, Transportation Assistant, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.*

MC 147348 (Sub-1TA), filed June 19, 1979. Applicant: SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson, North Little Rock, AR 72114. Representative: James M. Duckett, 927 Pyramid Life Bldg., Little Rock, AR 72201. *Underlying ETA seeks corresponding authority for 90 days. General commodities (with the usual exceptions) between Little Rock, AR and all points in Clark, Sebastian, Hot Spring, Garland, Saline, Jefferson, Arkansas, Lonoke, Perry, Monroe, White, Jackson, Faulkner, Pope, Johnson, Conway, Crawford, Craighead, Union, Drew, Bradley, Calhoun, St. Francis, Cross, Benton, Washington, Sevier, Carroll, Boone, Baxter, Van Buren, Cleburne, Independence, Lawrence, Clay, Green, Mississippi, Crittenden, Woodruff, Prairie, Desha, Lincoln, Chicot, Ouachita, Nevada, Hempstead, Miller, Dallas, Columbia, Franklin, and Phillips Counties, AR, restricted to traffic having a prior or subsequent movement by rail in piggyback service for 180 days. Supporting shipper(s): Approximately 10 shippers. Send protests to: William H. Land, Jr., DS, 3108 Federal Bldg., Little Rock, AR 72201.*

MC 147399 (Sub-1TA), filed June 26, 1979. Applicant: JACK B. ROBERTSON d.b.a. J. R. TRANSPORT, 1946 Davis Street, San Leandro, CA 94577. Representative: Jack Robertson (same address as applicant). *Contract carrier, irregular routes: Such commodities as are dealt in by department stores or mail order houses (except commodities in bulk, and commodities requiring special equipment) between San Leandro and Oakland, CA on the one hand and Portland, OR on the other, for 180 days. RESTRICTED to service performed under a continuing contract with Montgomery Ward. An underlying ETA seeks 90 days authority. Supporting shipper(s): Montgomery Ward & Co., 2825 E. 14th Street, Oakland, CA. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.*

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-28905 Filed 8-28-79; 8:45 am]
BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register

Vol. 44, No. 169

Wednesday, August 29, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

Chairman Marvin S. Cohen
Member Richard J. O'Melia
Member Elizabeth E. Bailey

[S-1687-79 Filed 8-27-79; 3:14 pm]

BILLING CODE 6320-01-M

CONTENTS

Civil Aeronautics Board.....	1, 2
Commodity Futures Trading Commission.....	3
Federal Mine Safety and Health Review Commission.....	4
Harry S Truman Scholarship Foundation.....	5
Interstate Commerce Commission.....	6

1

[M-239 amdt. 7; August 23, 1979]

CIVIL AERONAUTICS BOARD.

Notice of deletion of items from the August 23, 1979 Meeting Agenda.

TIME AND DATE: 9 a.m., August 23, 1979.

PLACE: Room 1027 (Open). Room 1011 (Closed). 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

11. Dockets 35464 and 34650; Final guidelines and procedures for essential air service determinations. (Memo #8753-B, OGC, BDA).

22A. Docket 30332, Agreements CAB 27769-R5 and -R6; Docket 30777, Agreements CAB 27770-R10 and -R11; Agreements among members of IATA setting interline service charges. (Memo #9048, BDA, OGC, BIA, BCP).

STATUS: Open (Item 11). Closed (Item 22a).

PERSON TO CONTACT: Phyllis T. Kaylor, The Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 11 was deleted from the August 23, 1979 meeting in order that the Board may have additional time to consider this item. This item will be rescheduled for August 31, 1979 meeting. Item 22a was deleted from the August 23 Board meeting because the issues raised in the proposed order were similar to those raised by the Petitions for Reconsideration of Order 78-8-87, IATA Agreements, Docket 28672. It was decided that both cases should be considered at the same time. Accordingly, the following Members have voted that Items 11 and 22a be deleted from the August 23, 1979 agenda and that no earlier announcement of these deletions was possible:

2

[M-240; August 24, 1979]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9 a.m., August 31, 1979.

PLACE: Room 1027 (Open). Room 1011 (Closed). 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.

2. Amendment to Part 385 delegation to the Director, BCP, which makes explicit the authority to terminate investigations conducted under Part 305. (Memo #9070, BCP)

3. Docket 35284, Application of Chilcotin-Cariboo Aviation Ltd. for an initial foreign carrier permit to operate charters between Canada and the U.S. using small aircraft. (Memo #9074, BIA, OGC, BALJ)

4. Docket 35578, (Texas International Airlines, Inc., Enforcement Proceeding) Order 79-5-127—TXI's motion to disqualify the Board Members and to dismiss proceeding (OGC)

5. Dockets 35464 and 34650, Final guidelines and procedures for essential air service determinations. (Memo #8753-B, OGC, BDA)

6. Docket 25563, Termination of rulemaking on conformity between charter contracts and charter tariffs. (OGC)

7. Dockets 32636 and 33362; Former Large Irregular Air Service Investigation (Zantop International Airlines, Inc.)—Order on Discretionary Review. (Memo #9063, OGC)

8. Dockets 34582, 32711, and 33019; Southwest Airlines Automatic Market Entry Investigation, et al., Petition of Southwest Airlines for reconsideration of Order 79-7-106. (Memo #8987-A, OGC)

9. Docket 33019, Chicago-Midway Expanded Service Investigation. (OGC)

10. Docket 32830, Florida-Mexico City Service Investigation—Draft order. (Memo #7994-A, OGC)

11. Dockets 35707, 35890, 35919, 35897, and 35941; Houston-Brownsville Show Cause Proceeding and Applications of Continental, National, Ozark and Republic in Dockets 35890, 35919, 35897 and 35941, respectively. (Memo #8844-A, BDA)

12. Dockets 35746, 35954, 35960, 35681, 35746, 35957, and 35963; Corpus Christi-Houston/San Antonio Show Cause Proceeding and applications of Frontier, National, Ozark, Republic and USAir in Dockets 35954, 35960, 35681, 35746, 35957 and 35963 respectively. (Memo #8871-A, BDA)

13. Dockets 35836, 36000, 36012, 36013, and 36027; Dallas/Fort Worth-Little Rock Show Cause Proceeding. (Memo #8896-A, BDA)

14. Dockets 35579, 35761, 35762, 35769, 35772, 35774, 35775, 35776, 35780, and 35796; Denver-Sacramento-Fresno Show-Cause Proceeding, Continental, Western, Republic, Hughes Airwest, Ozark, Braniff, Northwest, Frontier, Trans World, Air California, Eastern, USAir, and Pacific Southwest; Applications for Denver-Fresno/Sacramento and Fresno-Sacramento Authority. (Memo #8778-A, BDA)

15. Dockets 34623, 34890, 34975, 35055, 35065, and 35557; United's application for Denver/Chicago-Orlando-Tampa-Sarasota-Fort Myers-West Palm Beach-Miami/Fort Lauderdale nonstop authority; Ozark's application for Denver/Chicago-Orlando/Tampa/Sarasota/Fort Myers/West Palm Beach/Fort Lauderdale nonstop authority and motion to consolidate; Continental's application for Denver-Orlando/Sarasota/Fort Myers/West Palm Beach and Chicago-Orlando/Tampa/Sarasota/Fort Myers/West Palm Beach/Miami/Fort Lauderdale nonstop authority and motion to consolidate; Western's application for Denver/Chicago-Orlando-Tampa-Sarasota-Fort Myers-West Palm Beach-Miami-Fort Lauderdale nonstop authority and motion to consolidate; National's application for Denver/Colorado Springs-Fort Lauderdale/Miami/Orlando/Tampa nonstop authority and motion to consolidate; Trans International's application (in part) for Chicago-Orlando/Tampa/Miami-Ft. Lauderdale nonstop authority and motion to consolidate (BDA)

16. Dockets 35597, 35598, 35599, 35600, 35601, and 35602; Applications of National Airlines for certificate authority under Subpart Q. (BDA)

17. Dockets 31651, 31783, 31896, 31905, 31911, and 31919; Meridian Air Cargo, Inc.; Pacific Aero, Inc., Nor-Cal Aviation, Inc., Georgia Air Freight, Inc., Air Trans Commuter, Inc., and Commercial Air Transport, Inc.—Revocation of Section 418 All-Cargo Air Service Certificates. (Memo #9073, BDA, OGC, BCP)

18. Dockets 34203 and 34666; USAir's and Ransome's Notices to Terminate Service at Catskill/Sullivan County, New York. (Memo #8535-F, BDA, OCCCR)

19. Dockets 34934, 36002, and 36273; Piedmont's 60- and 90-day notices to suspend service at New Bern/Morehead City, NC. (BDA)

20. Docket 34681, Interim Essential Air Transportation at Massena, Ogdensburg, Plattsburgh, Saranac Lake/Lake Placid, Watertown, New York and Rutland, Vermont. (BDA)

21. Docket 36358, Application of Air Florida, Inc., for an emergency exemption from section 401(j) to temporarily suspend service at Panama City on less than 90 days notice, and to suspend service in single-plane markets on less than 60 days notice. (BDA)

22. Dockets 32985, Agreement CAB 27456; Docket 34511, Agreement CAB 27794; Docket 31092, Agreements CAB 23870, 23870-A4, and 23870-A6; Agreements CAB 18923, 18923-A1, and 18923-A2; Agreements among members of the Air Traffic Conference of America concerning automated services provided to travel agents and customers. (Memo #9072, BDA, OGC)

23. Dockets 31290 and 21866-4; Notice of Proposed Rulemaking proposing options for eliminating the mandatory joint fare program established in Phase 4 of the *DPFI*. (Memo #9053, BDA, OGC, OEA, BIA, OCCR, BCP)

24. Docket 34138, In the Matter of Commuter/Certificated Joint Fares. (Memo #8311-F, OGC)

25. Agreement CAB 27337, *et al.*, Agreements for intercarrier division of joint fares. (BDA, OGC, BIA, BCP)

26. Section 302.300 *et seq.*—Notice of Proposed Rulemaking to amend the procedures under which the Board establishes interstate, overseas and foreign service mail rates. (BDA, OGC)

27. General five percent fuel-related cargo rate increases proposed by Braniff in its international markets. (BIA)

28. Docket 33886, Part 223 of the Board's Economic Regulations—Final Rule Allowing Unrestricted Free or Reduced-Rate Transportation for Travel Agents. (Memo No. 8737-A, OGC, OM, BDA)

29. Dockets 15359 and 16750; Redetermination of subsidy refunds under Class Rate III pursuant to the provisions of P.L. 95-504 (October 24, 1978). (Memo No. 1551-C, BDA, OC, OGC)

30. Docket 34071, Southeast Airlines, Inc.—request for waiver of certain provisions of section 291.11 of the Economic Regulations. (Memo No. 9069, BDA, OGC)

31. International passenger fares proposed by Pan American and TWA. (BIA)

STATUS: Open (Items 1-30). Closed (Item 31).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: This meeting will involve discussion of commercially sensitive data provided to the Board in confidence. This material is within exemption 4 and disclosure might violate the Criminal Trade Secrets Act as well as possibly diminish the Board's ability to obtain this kind of information in the future. Additionally, this meeting may affect present or future bilateral negotiations. Disclosure of U.S. positions, particularly to foreign governments could seriously compromise the United States Government's ability to achieve future bilateral understandings which would be in the best interests of the United States. Accordingly, the following Members have voted that public observation would reveal commercial or financial information obtained from a person and privileged or confidential within the meaning of exemption 9, could significantly frustrate future

action within the meaning of the exemptions provided under 5 U.S.C. 552b(c)(4)(9)(B) and 14 CFR 310b.5(4)(9)(B) and that the meeting will be closed:

Chairman Marvin S. Cohen
Member Richard J. O'Melia
Member Elizabeth E. Bailey

Persons Expected To Attend

Board Members.—Chairman, Marvin S. Cohen; Member, Richard J. O'Melia; Member, Elizabeth E. Bailey; and Member, Gloria Schaffer.

Assistants to Board Members.—Mr. David Kirstein, Mr. James L. Deegan, Mr. Daniel M. Kasper, and Mr. Stephen H. Lachter. Managing Director.—Mr. Cressworth Lander.

Executive Assistant to the Managing Director.—Mr. John R. Hancock.

Office of the General Director.—Mr. Michael E. Levine, Mr. Steven A. Rothenberg, and Mr. Mark S. Kahan.

Bureau of International Aviation.—Mr. Sanford Rederer, Mr. Jerry Nelson, Mr. Douglas V. Leister, Mr. Ivars V. Mellups, Mr. Richard M. Loughlin, Mr. Herbert P. Aswall, and Mr. John H. Kiser.

Office of the General Counsel.—Mr. Philip J. Bakes, Jr., Mr. Gary J. Edles, Mr. Kenneth G. Caplan, Ms. Carol Light, Mr. Michael Schopf, and Mr. Glen M. Bendixsen.

Office of Economic Analysis.—Mr. Robert H. Frank and Mr. Larry Manheim.

Bureau of Consumer Protection.—Mr. Reuben B. Robertson.

Office of the Secretary.—Mrs. Phyllis T. Kaylor, Ms. Deborah A. Lee, and Ms. Louise Patrick.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(4)(9)(B) and 14 CFR 310b.5(4)(9)(B) and that the meeting may be closed to public observation.

Phil Bakes, Jr.,

General Counsel.

[S-1688-79 Filed 8-27-79; 3:14 pm]

BILLING CODE 6320-01-M

3

COMMODITIES FUTURES TRADING COMMISSION.

TIME AND DATE: 11:00 a.m., September 7, 1979.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE

INFORMATION: Jane Stuckey, 254-6314.

[S-1684-79 Filed 8-27-79; 10:33 am]

BILLING CODE 6351-01-M

4

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

August 23, 1979.

TIME AND DATE: 2:00 p.m., August 30, 1979.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Knox County Stone Co., Inc., Docket No. DENV 79-359-PM (Petition for Discretionary Review).

2. United States Steel Corporation, Docket No. PITT 76-160-P, PITT 76-162-P (IBMA 77-33).

CONTACT PERSON FOR MORE

INFORMATION: Jean Ellen, 202-653-5632.

[S-1683-79 Filed 8-27-79; 10:33 am]

BILLING CODE 6820-12-M

5

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

Proposed Agenda for Meeting of the Board of Trustees.

DATE AND TIME: Monday, September 10, 1979, 10:00 a.m.

PLACE: 712 Jackson Place, N.W., Washington, D.C. 20006.

1. The call to order. Check quorum.
2. Adoption of Proposed Agenda.
3. Approval of Minutes of April 9, 1979 meeting.
4. Report of the Chairman.
 - a. Remarks on Annual Report, FY ending September 30, 1979.
 - b. Discussion of ETS.
 - c. Discussion of Doremus.
 - d. Status of Awards Ceremony and speaker, Sunday, May 4, 1980 at Harry S. Truman Library, Independence, Missouri.
 - e. Discussion of proposed date of next Board meeting, Monday, April 14, 1980 at 10:00 a.m. at the Foundation.
 - f. Resolution to empower Chairman to renew service contracts and conclude other Foundation business.
5. Report of the Executive Secretary.
 - a. Current status of Truman Scholars.
 - b. Selecting the Class of 1980.
 - c. Report on work-experience program.
 - d. Foundation operations.
 - e. New Business.
 - f. Date and place of next Board meeting.
 - g. Adjournment.

[S-1686-79 Filed 8-27-79; 12:12 pm]

BILLING CODE 6115-01-M

6

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, September 5, 1979.

PLACE: Hearing Room "A", Interstate Commerce Commission Building, 12th

Street and Constitution Avenue, N.W.,
Washington, D.C. 20423.

STATUS: Open Special Conference.

MATTERS TO BE CONSIDERED:

Motor Carrier Regulation:

- a. Motor Carrier Task Force Report
(Discussion of conceptual approach)
- b. Proposed procedures, Bulk Material
Carriers (Master Certificate)
- c. Other proposals which will facilitate
processing of operating rights cases
- d. Zone of Reasonableness

CONTACT PERSON FOR MORE

INFORMATION: Douglas Baldwin,
Director, Office of Communications,
Telephone: (202) 275-7252.

The Commission's professional staff
will be available to brief news media
representatives on conference issues at
the conclusion of the meeting.

[S-1665-79 Filed 8-27-79; 11:40 am]

BILLING CODE 7035-01-M

Best Conventional Pollutant Report

Wednesday
August 29, 1979

Part II

Environmental Protection Agency

Best Conventional Pollutant
Control Technology; Reasonableness of
Existing Effluent Limitation Guidelines

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 405, 406, 407, 408, 409, 411, 412, 418, 422, 424, 426, 427, 432

[FRL 1305-1]

Best Conventional Pollutant Control Technology; Reasonableness of Existing Effluent Limitation Guidelines

AGENCY: Environmental Protection Agency.

ACTION: Final rules.

SUMMARY: EPA publishes the results of its review of effluent limitations on conventional pollutants in certain industries. In some industries, effluent limitations representing "best conventional pollutant control technology" (BCT) are promulgated. These limitations will replace limitations representing "best available technology economically achievable" (BAT) previously established for conventional pollutants. In other industries, BAT limitations on conventional pollutants are withdrawn, and BCT limitations will be promulgated at a later date.

EPA initially proposed BCT limitations on August 23, 1978. At that time, the public was invited to comment on the proposed regulations, and a public meeting was held. The comments received from the public have all been reviewed and evaluated by EPA. They have been incorporated into this final rulemaking package.

DATE: The effective date of these regulations will be September 28, 1979.

FOR FURTHER INFORMATION CONTACT: Ms. Emily Hartnell, Office of Analysis and Evaluation (WH-586), EPA, 401 M Street S.W., Washington D.C. 20460, 202-755-2484.

SUPPLEMENTARY INFORMATION:

1. Background

Legal Basis

On August 23, 1978, EPA published proposed "best conventional pollutant control technology" (BCT) for selected industries. The proposed regulations were developed in response to Section 304(b)(4)(B) of the 1977 Amendments to the Clean Water Act (CWA). Section 304(b)(4)(B) instructs EPA to determine BCT through an analysis of:

The reasonableness of the relationship between the costs of attaining a reduction in effluents and the effluent reduction benefits derived, and the comparison of the cost and level of reduction of such pollutants from the

discharge of publicly owned treatment works to the cost and level of reduction of such pollutants from a class or category of industrial sources.

The Act also specifies that additional consideration be given in making BCT determinations to the age of equipment, production process, energy requirements, and other appropriate factors.

BCT is not an additional effluent limitation for industrial dischargers, but rather it replaces "best available technology economically achievable" (BAT) for the control of conventional pollutants. BAT will remain in force for all non-conventional and toxic pollutants. Effluent limitations representing BCT may not be more stringent than BAT. However, BCT, like BAT, is subject to periodic review, and progress in waste treatment technology may warrant subsequent revision. In no case will BCT limitations be less stringent than limitations representing "best practicable technology currently available" (BPT).

Section 73 of the CWA of 1977 directs the Agency to review, immediately, all existing final or interim final BAT effluent guidelines for conventional pollutants in those industries not covered in the Settlement Agreement reached in *NRDC v. Train*, 8 ERC 2120 (D.D.C. 1976). These industries are often referred to as "secondary industries." This review was to be completed within 90 days of enactment of the Act.

2. Industries Covered by This Review

As directed by Congress, EPA has evaluated all BAT regulations for conventional pollutants which apply to industries not covered by the NRDC Settlement Agreement (those not listed in Table 2 of Committee Print No. 95-30 of the Committee on Public Works and Transportation of the House of Representatives). Thirteen secondary industry categories have final or interim final BAT effluent guidelines. These are listed in Tables 1 and 2. Complete analysis has not been carried out on all of the subcategories in these industries. In those cases where conventional pollutant BAT limitations are equivalent to BPT, no further analysis is necessary. Since BPT constitutes a floor below which BCT may not be established, all BAT limitations set at that point are reasonable, and are being promulgated as BCT. The 20 subcategories which fall into this group are listed in Table 1.

The 93 subcategories in Table 2 were studied further. Of the 93 subcategories, BAT regulations for 45 are not finally promulgated or are withdrawn for a variety of other reasons. BCT limitations will be set at a later date, and BPT alone

will remain in effect. In some instances, industry studies currently underway are expected to result shortly in the necessary data to establish new standards (the seafoods industry, the cane sugar subcategories of the sugar processing industry, and three subcategories in the fruit and vegetable processing industry). In other instances, data submitted by industry warrants further consideration (four subcategories in the meat processing industry, the beet sugar subcategory of the sugar processing industry, the frozen potato subcategory, and parts of the condensed milk and condensed whey subcategory). Adequate information is not currently available on industry operations to conduct the necessary analysis for duck feedlots. In a final case, some limitations in certain meat products subcategories have been remanded by a court for reconsideration, and BPT will be set at the conclusion of that process.

EPA expects to use the methodology employed in this BCT review when an analysis of conventional pollutant treatment requirements is conducted for the primary industries (those industries to be covered by the Consent Agreement). National BCT limitations will be proposed and promulgated along with BAT, pretreatment, and new source standards. The explicit application of the BCT methodology to each industry will be detailed at the time each regulation is proposed.

3. Pollutants Covered by the Review

Section 304(a)(4) of the Act specifies that conventional pollutants should include, but not be limited to, biochemical oxygen demanding pollutants (BOD5), total suspended solids (TSS), fecal coliform, and pH. The Agency, in a separate action, has designated oil and grease as a conventional pollutant (44 FR 44501, July 30, 1979) and this review of BAT effluent guidelines includes oil and grease in the analysis of reasonableness where appropriate. In the case of both fecal coliform and pH, the BAT regulations under review were in all cases equivalent to BPT regulations. Therefore, no further analysis has been performed on these pollutants, and BCT controls of pH and fecal coliform will be the same as BPT. Consequently, the pollutants considered in this review are BOD5, TSS, and oil and grease. If, at any time, pollutants are added or deleted from the conventional pollutant list, the Agency will reevaluate all effluent guidelines affected by such revisions.

4. Methodology for Determining Reasonableness of BAT Regulations

(a) *Background.* The objective of this review is to evaluate existing BAT limitations for the "secondary" industries to determine if they satisfy the criteria for BCT contained in section 304(b)(4)(B). That section, which requires a consideration of the "cost reasonableness" of effluent limitations for conventional pollutants, has necessitated the development of a wholly new methodology for evaluating existing effluent limitations and for developing subsequent BCT limitations.

In developing the methodology for this regulation, EPA was guided both by the statutory language of section 304(b)(4)(B) and by Congress' underlying objectives in establishing BCT. The legislative history makes it clear that Congress was concerned that requirements for the control of conventional pollutants beyond BPT may, in some cases, be unreasonably expensive. Congress recognized that at some point costs for such control begin to exceed associated "effluent reduction benefits", and thus established BCT to ensure that any limitations controlling conventional pollutants at a level more stringent than BPT were "reasonable".

This regulation satisfies those objectives. The core of the Agency's BCT methodology is a comparison of the costs of removing additional pounds of conventional pollutants for industry with comparable costs of removal for an average publicly owned treatment works (POTW). This cost figure for the POTW constitutes the basic measure of "reasonableness" established by the Act. As Senator Muskie noted:

The Administrator must determine whether or not the cost of achieving reductions of conventional pollutants bears a reasonable relationship to the amount of effluent reduction achieved. In making this determination, the Administrator is to compare the costs of industrial effluent reduction to the cost of municipal waste treatment.

There are, however, a range of additional factors which are significant in establishing BCT. EPA interprets and applies these factors as follows.

(1) BPT is the base point for evaluation of limitations on conventional pollutants. All costs beyond BPT associated with the control of conventional pollutants are used in the BCT evaluation. No limitation more stringent than BPT can be established as BCT if it fails the cost reasonableness comparison.

(2) Effluent reduction benefits, calculated in terms of additional pounds of conventional pollutants removed, are

directly incorporated in the cost per pound comparison.

(3) A uniform measure of reasonableness is established for all industries throughout the country. This ensures that no industry will be required to exceed a specified cost per pound for removal of conventional pollutants. In consequence, industries with high costs for removal of conventional pollutants, in many cases, will be subject to less stringent effluent limitations.

(4) A greater proportion of the total costs for control of conventional pollutants will now be allocated to industries and segments of industries comprised of large facilities. These facilities are able to remove conventional pollutants at the lowest cost.

(5) The final methodology results in the relief which Congress intended for control of conventional pollutants, and resolves the uneven impact of existing BAT limitations. Of the 93 industry subcategories evaluated in detail in this review, 22 have reasonable BAT limitations, 13 have unreasonable limitations, 6 have split determinations depending on the size of plant, 7 are not affected by this review because the BAT limitations in those cases are designed to control toxic pollutants, while the remaining 45 as noted above will require further analysis. For those subcategories in which BAT was found to be unreasonable, or requiring further analysis, EPA will undertake further study to develop appropriate BCT limitations.

These new limitations will result in a substantial reduction in expenditures for control of conventional pollutants. While this regulation covers only secondary industries, when the methodology is applied to the development of BCT limitations for the control of conventional pollutants in the primary industries, substantial additional savings will be realized.

(b) *The BCT Test.* The BCT test compares the cost for industry to remove a pound of conventional pollutants to the cost incurred by a POTW for removing a pound of conventional pollutants. If the industry cost for a specific technology is lower than the POTW cost, the test is passed and the level of control of conventional pollutants is considered reasonable. If the industry costs of removal are higher than the POTW costs, the test is failed, and BCT cannot be set at that level.

In the case of this Section 73 secondary industry review, the BCT test is applied to existing BAT requirements to determine if the existing promulgated regulations are reasonable. If the existing BAT limitation passes the test,

BCT is being promulgated as equivalent to the former BAT. If the BAT standard does not pass the test, the existing BAT is being withdrawn until an appropriate BCT can be set.

(1) *Calculation of Industrial Costs:* The incremental annual costs are calculated by determining the difference between the annual costs for a model plant representing an industrial subcategory to achieve BPT and the annual costs to achieve the candidate BCT for conventional pollutants. Annual costs include operation and maintenance expenses, capital costs, and depreciation. The data used by EPA in determining industrial costs for this review are drawn from the Agency Development Documents which were prepared for each of the affected industries (See Appendix A). The data are updated to 1976 dollars, so that they can be compared on a consistent basis.

(2) *Calculation of Industrial Pollutant Removal:* The incremental removal of conventional pollutants is calculated by determining the difference between the annual pounds of conventional pollutants removed after compliance with BPT and the pounds removed after compliance with the candidate BCT. The conventional pollutants subject to this review fall into two categories: suspended solids (TSS), and oxygen-demanding substances (BOD5 and oil and grease). To avoid "double counting" of the amount of pollutants removed, the incremental pounds removed from BPT to candidate BCT are calculated using only one pollutant from each group. In those cases where both BOD5 and oil and grease are subject to limitations, the pollutant with the greater amount of removal is included in the calculation. If a group is not represented in the effluent limitation guideline for the subcategory, then it is not included in the evaluation. Table 3 details the pollutants to be used in the calculation.

(3) *Calculation of the Industrial Ratio:* The ratio of incremental annual costs to incremental conventional pollutant removal is calculated as follows: (candidate BCT annual costs-BPT annual costs)/(candidate BCT pounds of conventional pollutants removed-BPT pounds of conventional pollutants removed)

This ratio represents the annual incremental cost to remove a pound of conventional pollutants beyond BPT in terms of dollars per pound.

(4) *Calculation of the Industrial Ratios in the Absence of BAT:* For those subcategories in which BAT limitations are unreasonable, and in those subcategories in which BAT has not been promulgated, the Agency will be

considering several candidate technologies for BCT. In evaluating the reasonableness of these candidates, EPA will use BPT as a starting point and determine the incremental costs and levels of pollutant removal from BPT to each of the candidate technologies. BCT will be promulgated based on the most stringent technology option which passes the reasonableness test, as well as the other factors specified in the Act.

(5) *Calculation of POTW Cost-Effectiveness Ratio:* A single cost reasonableness ratio for a POTW of average size was developed for comparison with industrial ratios. This figure was based on the costs of a POTW with a flow of two million gallons per day to upgrade its facility from secondary treatment (30 milligrams per liter (mg/l) of TSS, 30 mg/l of BOD₅) to advanced secondary treatment (10 mg/l of TSS, 10 mg/l of BOD₅). The resulting POTW cost reasonableness ratio is \$1.15 per pound (1976 dollars). This figure will be updated periodically to account for inflation. A detailed discussion of the calculation of the POTW ratio is contained in Appendix B.

(6) *Comparison of Industrial and POTW Ratios:* In order to determine whether or not the industrial regulation under review meets the BCT test, the ratio for the industrial subcategory is compared to the POTW ratio. This single POTW ratio is used for all industrial comparisons. In this review, if the industrial ratio is less than the POTW ratio, then a BCT limitation is promulgated at the BAT level. No further analysis is required. If the industrial ratio is greater than the POTW ratio, then the BAT requirements are determined to be unreasonable and are withdrawn. BCT limitations will be promulgated in such cases after further analysis of alternative, less stringent technologies.

5. Summary of Determinations

Table 4 summarizes the results of the review, and detailed discussion of the determinations for each industrial subcategory is presented in Appendix C.

Based on this review the Agency has determined that the BAT control of conventional pollutants for 22 subcategories are reasonable and BCT for these 22 subcategories are being promulgated as equal to the current BAT guidelines. Most of the subcategories that have been determined to be reasonable are in the Dairy, Grain Mills, and Fruits and Vegetable industries.

Thirteen of the subcategory regulations are judged unreasonable, and consequently, the Agency will withdraw the BAT effluent guidelines for conventional pollutants until the

proper levels of control can be determined. Regulations that are unreasonable are found in the Glass and Ferroalloys industries.

There are six industry subcategories where the limitations for one size model plant are reasonable, but unreasonable for another size, or where a portion of the subcategory is withdrawn pending further study. The BCT regulations will only cover the size range of plants where the limitations are reasonable, and exclude those plants where the limits are unreasonable. This was found in the Dairy and Fruit and Vegetable industries.

The Agency is suspending all 28 of the subcategories in the Seafood category. In a separate action, the limitations for these twenty-eight subcategories are being reviewed, and final BCT limitations will be promulgated at a later date.

Also in a separate action, the Agency has agreed with Fruit and Vegetable industry representatives to withdraw the three canned and preserved fruit and vegetable processing subcategories. This notice was published on June 20, 1979. 44 FR 36033 BCT limitations will be promulgated at a later date.

For one subcategory in the Feedlots industry (duck feedlots) the Agency does not have the necessary data to perform the cost test. As a result, the Agency is withdrawing the BAT limitation for the ducks subcategory until further analysis can be performed.

For four Meat industry subcategories (meat packing), portions of the BAT limitations not applying to conventional pollutants have been remanded by the courts. In one of these subcategories, the TSS limitations were also remanded. In response to this remand, these limitations are currently being reviewed. In the interim, the Agency is now withdrawing the remaining BAT limitations for BOD₅ and TSS. However, limitations for fecal coliform and pH in these subcategories are being retained because controls of these pollutants are the same at BPT and BAT. In the case of four additional Meat industry subcategories (meat processing), the Agency is conducting a review of the limitations beyond BPT, so BCT is not being promulgated at this time. The final limitations will be promulgated at a later date.

The two regulations for cane sugar refining are currently being reviewed as part of a court stipulation. Therefore, the Agency will not promulgate the final BCT determinations at this time.

Spokesmen for the beet sugar industry, the frozen potato processors, and portions of condensed whey and condensed milk producers have

submitted data on costs of BPT level treatment technology and the performance of that technology. On the basis of that data, the Agency wishes to conduct further review of potential limitations for this subcategory, and will not promulgate BCT limitations at this time.

Seven subcategories in the Asbestos industry are not affected by this review. The BAT limitations for these subcategories require that facilities achieve zero discharge of pollutants. These limitations are designed to control the discharge of toxic pollutants and are thus not subject to a BCT analysis.

6. Modifications to the Proposal

Since the publication of the proposed regulations in August of 1978, EPA has been reviewing the regulations in response to comments from the public and to new information that has become available to the Agency. Comments were received from 79 parties including many industrial groups, the Council on Wage and Price Stability, and several State governments. The commenters raised significant concerns with the approach taken by EPA in developing the proposed regulations. The comments fall into two general categories: those pertaining to the overall methodology, including the POTW and industrial calculations; and, those concerning the individual industry data used. Detailed responses to the comments regarding the individual industry data are presented in Appendix C, and responses to the major public comments regarding the overall methodology are presented in Appendix D.

In conjunction with the public comment review, EPA has reevaluated its methodology and its data base and concluded that certain changes in approach are appropriate. The more important modifications in the methodology used by EPA which affect final BCT regulations are described below.

(a) *POTW Cost and Operational Data.* In its initial BCT proposal in developing the POTW cost comparison figure, EPA relied on a document entitled "An Analysis of Cost Experience for Wastewater Treatment Plants." Since that time, EPA has published two new documents, "Construction Costs for Municipal Wastewater Treatment Plants, 1973-77" and "Analysis of Operations and Maintenance Costs for Municipal Wastewater Treatment Systems." These provide more accurate and up-to-date information on municipal treatment costs and hence are more appropriate for use in the POTW-industry comparisons. EPA announced that it was considering the use of these

two documents in a Federal Register notice of April 2, 1979. 44 Fed. Reg. 19214. Appendix B describes in detail how the municipal treatment costs used in the BCT evaluation is derived from the documents. Responses to comments on the April 2 notice are included in Appendix D.

(b) *Using a Single, POTW Cost Reasonableness Figure.* The BCT standards are based on a comparison of industry and POTW treatment costs and levels of removal. In the proposed methodology, industries were compared to POTW's having comparable rates of flow. Costs for these POTW's ranged from \$.36 to \$1.72 per pound of pollutant removed. This approach resulted in some industries with relatively high treatment costs being judged to have reasonable BAT limitations because they were compared to a POTW with a high cost. Other industries, however, with relatively low costs, were determined to have unreasonable BAT limitations because the POTW they were measured against had low costs. To rectify this inequity, EPA is now employing a single POTW comparison figure based on an average size POTW of 2 mgd. This approach will result in a more "economically efficient" solution. Those subcategories that can cheaply achieve stringent limitations will continue to do so, but for those where it is relatively expensive, some relief will be given. The single cost figure approach has the additional advantage of being far easier to apply. A discussion of the specific calculation of the POTW figure is contained in Appendix B.

(c) *The Concentration Test.* The methodology used by EPA in developing the proposed BCT regulations included a second, "concentration test", that was applied to any industry regulation which did not pass the BCT test. In cases where an industry's effluent had an significantly higher pollutant concentration than a POTW, BAT requirements were retained as BCT. This test was uniformly opposed by commenters, who argued that it discourages water conservation, and is arbitrary and one-sided. EPA agrees, and has decided that the concentration test will not be used in making BCT determinations.

(d) *Calculation of POTW Cost Comparison Figure.* In its initial proposal, EPA calculated its POTW cost comparison figures based on the difference in costs and levels of removal between a POTW constructed to have an effluent of 25 mg/l of BOD, 25 mg/l of TSS and one constructed to achieve 12 mg/l of BOD and 12 mg/l of TSS. The Agency is now calculating the POTW

cost comparison figure based on the incremental costs and levels of removal associated with the upgrading of an existing POTW from secondary treatment (30 mg/l BOD, 30 mg/l TSS) to advanced secondary treatment (10 mg/l BOD, 10 mg/l TSS).

Although Congress specifically required a comparison of the "cost and levels of reduction" of conventional pollutants from POTWs with those of industry, nowhere in the Act or its legislative history is there specific direction as to how the POTW cost comparison figure is to be derived. It is clear, however, that the POTW costs are to provide a benchmark for judging the "reasonableness" of industry limitations.

One appropriate measure of POTW costs is the marginal costs of removal at secondary treatment. Although Congress did not state that the secondary treatment level was significant in determining BCT, it is the current legal requirement for most POTWs and the level at which the bulk of existing POTWs are now operating. Calculation of the costs per pound of conventional pollutant removal based on the increment from secondary to advanced secondary yields the best approximation of such marginal costs. Although an increment which narrowly straddles secondary treatment would have been preferable in identifying marginal costs, adequate data on such an increment do not exist.

In establishing the POTW cost comparison figure, Congress may also have been concerned with identifying the "knee-of-the-curve" for POTW costs and effluent reduction benefits. The Agency has submitted to Congress analyses which indicate that costs for pollution control to achieve pollutant concentrations lower than 10 mg/l of BOD and 10 mg/l of TSS begin to rise sharply in relation to effluent reduction benefits. Essentially, advanced secondary treatment marks the "knee-of-the-curve" with respect to POTW costs. Use of the secondary to advanced secondary increment thus effectively determines the cost per pound to achieve this maximum, cost-effective level of control.

Finally, basing the comparison figure on the cost of a POTW to upgrade from secondary to advanced secondary treatment roughly parallels the industrial increment under consideration. Congress, in establishing BCT, was concerned about the reasonableness of the requirement that industry progress from BPT to BAT. Similarly, focusing on the costs to upgrade existing POTWs beyond secondary treatment is appropriate.

In selecting this narrow increment the Agency is aware that the parallel in legal requirements for industry and POTW is not exact. Industries are required to meet BAT, and now BCT, by July 1, 1984. The comparable requirement for POTWs is achievement of "best practicable wastewater treatment technology" ("BPWTT") by July 1, 1983. However, BPWTT has never been precisely defined by EPA, and most POTWs will continue to operate at secondary treatment. Nonetheless, Congress has not modified the obligation of POTWs to achieve more stringent levels. Although concerned with funding of expensive advanced wastewater treatment systems, Congress has continued to fund construction of POTWs at better than secondary levels. EPA has judged that funding for construction of POTWs employing advanced secondary treatment is reasonable, and not subject to special intensified review.

(e) *Calculation of Conventional Pollutant Removal.* EPA originally proposed that if BOD₅ and oil and grease were both regulated, only the pounds of BOD₅ were to be included in the calculation of the incremental pounds of conventional pollutants removed. This has been modified and where both are regulated, the pollutant with the greater amount of removal will be included in the calculation. The Agency feels that the total effluent reduction benefits are best identified by using the pollutant in a given category which has the greater amount of removal in the calculation. However, a single pollutant in a category will continue to be used in the calculation because of the difficulty of allocating costs of removal between pollutants.

Additionally, total phosphorus and chemical oxygen demand were proposed as conventional pollutants, and they were included in the Agency's proposed BCT methodology. However, the proposal to designate these pollutants as conventional has been withdrawn, and they have been excluded from consideration in this rulemaking.

7. Information Available

Copies of the Federal Register notice can be obtained, without charge, by contacting: Sandra Jones, Environmental Protection Agency, 401 M Street, S.W. (WH-586), Washington, D.C. 20460, 202-426-2617.

The costs and pollutants removal data used in this review are taken from the development documents and economic analyses that were published in the development of BAT guidelines. The documents are available for public inspection at all EPA regional libraries

and the EPA headquarters library in Washington, D.C. Also, a 200 page summary of cost and removal data is open to public inspection at the above libraries.

In consideration of the foregoing, affected 40 CFR Parts 400-460 are hereby amended as set forth below.

Dated: July 31, 1979.

Barbara Blum,

Acting Administrator.

Table 1.—Industries and Subcategories Which Did Not Require Further Analysis

Grain Mills (4):

Normal Wheat Flour Milling—Animal Feed.

Normal Rice Milling—Hot Cereal.

Cement Manufacturing (2):

Non-Leaching—Materials Storage Piles Runoff.

Feedlots (1): All Subcategories Except Ducks.

Fertilizer (4):

Phosphate—Ammonium Sulfate Production.

Ammonia—Mixed and Blend Fertilizer Production.

Phosphate Manufacturing (2):

Deflourinated Phosphate Rock—Deflourinated Phosphoric Acid.

Ferroalloys Manufacturing (1): Other Calcium Carbide Furnaces.

Glass Manufacturing (2):

Sheet Glass Manufacturing—Rolled Glass Manufacturing.

Asbestos Manufacturing (4):

Asbestos Millboard—Solvent Recovery.

Coating or Finishing of Asbestos Textiles—Vapor Absorption.

Table 2.—Industries and Subcategories Which Were Studied

Dairy Products Processing (12):

Receiving Stations.

Fluid Products.

Cultured Products.

Butter.

Cottage Cheese and Cultured Cream Cheese.

Natural and Processed Cheese.

Fluid Mix for Ice Cream and other Frozen Desserts.

Ice Cream, Frozen Desserts Novelties and other Dairy Desserts.

Dry Milk.

Condensed Whey.

Dry Whey.

Condensed Milk.

Grain Mills (6):

Corn Wet Milling.

Corn Dry Milling.

Bulgar Wheat Flour Milling.

Parboiled Rice Processing.

Ready-to-eat Cereal.

Wheat Starch and Gluten.

Canned and Preserved Fruits and Vegetables Processing (8):

Apple Juice.

Apple Products.

Citrus Products.

Frozen Potato Products.

Dehydrated Potato Products.

Canned and Preserved Fruits.

Canned and Preserved Vegetables.

Canned and Miscellaneous Specialties.

Canned and Preserved Seafood Processing (28):

Farm Raised Catfish.

Conventional Blue Crab.

Tuna Processing.

Fish Meal Processing.

Mechanized Blue Crab.

Non-Remote Alaskan Crab Meat.

Remote Alaskan Crab Meat.

Non-Remote Alaskan Whole Crab and Crab Section.

Non-Alaskan Scallop Processing.

Remote Alaskan Whole Crab and Crab Section.

Dungeness and Tanner Crab Processing in the Contiguous States.

Non-Remote Alaskan Shrimp.

Remote Alaskan Shrimp.

Northern Shrimp Processing in the Contiguous States.

Southern Non-Breaded Shrimp Processing in the Contiguous States.

Non-Alaskan Whole Crab and Crab Section Processing.

Breaded Shrimp Processing in the Contiguous States.

West Coast Hand Butchered Salmon Processing.

West Coast Mechanized Salmon Processing.

Non-Alaskan Conventional Bottom Fish.

Non-Alaskan Mechanized Bottom Fish Processing.

Hand-Shucked Clam Processing.

Mechanized Clam Processing.

Pacific Coast Hand-Shucked Oyster Processing.

Atlantic and Gulf Coast Hand-Shucked Oyster Processing.

Steamed and Canned Oyster Processing.

Sardine Processing.

Non-Alaskan Herring Fillet Processing.

Abalone Processing.

Sugar Processing (3):

Beet Sugar Processing.

Crystalline Cane Sugar Refining.

Liquid Cane Sugar Refining.

Cement Manufacturing (1):

Leaching.

Feedlots (1):

Ducks.

Phosphate Manufacturing (1):

Sodium Phosphates.

Ferroalloys Manufacturing (6):

Open Electric Furnaces with Wet Air Pollution Control Devices.

Covered Electric Furnaces and other Smelting Operations with Wet Air Pollution Control Devices.

Slag Processing.

Covered Calcium Carbide with Wet Air Pollution Control Devices.

Electrolytic Manganese Products.

Electrolytic Chromium.

Glass Manufacturing (10):

Insulation Fiberglass.

Plate Glass Manufacturing.

Float Glass Manufacturing.

Automotive Glass Tempering.

Automotive Glass Laminating.

Glass Container Manufacturing.

Glass Tubing (Danner) Manufacturing.

Television Picture Tube Envelope Manufacturing.

Incandescent Lamp Envelope Manufacturing.

Hand Pressed and Blown Glass Manufacturing.

Asbestos Manufacturing (7):

Asbestos-Cement Pipe.

Asbestos-Cement Sheet.

Asbestos Paper (Starch Binder).

Asbestos Paper (Elastomeric Binder).

Asbestos Roofing.

Asbestos Floor Tile.

Wet Dust Collection.

Meat Products (10):

Simple Slaughterhouse.

Complex Slaughterhouse.

Low Processing Packinghouse.

High Processing Packinghouse.

Small Processor.

Meat Cutter.

Sausage and Luncheon Meats Processor.

Ham Processor.

Canned Meats Processor.

Renderer.

Table 3

Pollutants regulated	Pollutants considered in industrial calculation
BOD ₅	BOD ₅
BOD ₅ and TSS.....	BOD ₅ and TSS.....
BOD ₅ , Oil and Grease.....	BOD ₅ ¹ or Oil and Grease.....
TSS ¹	TSS.....
TSS, Oil and Grease.....	TSS, Oil and Grease.....
TSS, BOD ₅ , Oil and Grease.....	TSS, BOD ₅ ¹ (or Oil and Grease ¹).....
Oil and Grease.....	Oil and Grease.....

¹EPA will use the one pollutant (BOD₅ or oil and grease) which has the most incremental removal.

Table 4

Industry and subcategory	(CFR Part)	(A) BCT = BAT	(B) BAT unreasonable, BAT withdrawn	(C) Withdrawn pending further study	(D) BAT withdrawn in response to litigation	(E) BAT analysis not required, no action
Dairy						
1. Receiving stations.....	(405.13)	¹ X	¹ X			
2. Fluid produce.....	(405.23)	X				
3. Cultured produce.....	(405.33)	X				
4. Butter.....	(405.43)	X				
5. Cottage, cream cheese.....	(405.53)	X				
6. Natural, processed cheese.....	(405.63)	² X	² X			
7. Fluid mix ice cream.....	9405.73	X				
8. Ice cream, frozen desserts.....	(405.83)	X				
9. Condensed milk.....	(405.93)	³ X		³ X		
10. Dry milk.....	(405.103)	⁴ X	⁴ X			
11. Condensed whey.....	(405.113)		⁵ X	⁵ X		
12. Dry whey.....	(405.123)	X				

Table 4—Continued

Industry and subcategory	(CFR Part)	(A) BCT = BAT	(B) BAT unreasonable, BAT withdrawn	(C) Withdrawn pending further study	(D) BAT withdrawn in response to litigation	(E) BAT analysis not required, no action
Feedlots						
59. Ducks.....	(412.23)		X			
Ferroalloys						
60. Open electric furnaces wet.....	(424.13)	X				
61. Covered electric and smelting wet.....	(424.23)	X				
62. Slag processing.....	(424.33)	X				
63. Covered calcium carbide wet.....	(424.43)		X			
64. Electrolytic manganese.....	(424.63)		X			
65. Electrolytic chromium.....	(424.73)		X			
Glass						
66. Insulation fiberglass.....	(426.13)	X				
67. Plate.....	(426.43)	X				
68. Float.....	(426.53)		X			
69. Auto tempering.....	(426.63)		X			
70. Auto laminating.....	(426.73)		X			
71. Container.....	(426.83)		X			
72. Tubing.....	(426.103)		X			
73. TV picture tube.....	(426.113)		X			
74. Incandescent lamp envelope.....	(426.123)		X			
75. Hand pressed and blown.....	(426.133)		X			
Asbestos						
76. Cement pipe.....	(427.13)					X
77. Cement sheet.....	(427.23)					X
78. Paper (starch binder).....	(427.33)					X
79. Paper (elastomeric binder).....	(427.43)					X
80. Roofing.....	(427.63)					X
81. Floor tile.....	(427.73)					X
82. Wet dust collection.....	(427.113)					X
Meat products						
83. Simple slaughterhouse.....	(432.13)				X	
84. Complex slaughterhouse.....	(432.23)				X	
85. Low Processing packinghouse.....	(432.33)				X	
86. High Processing packinghouse.....	(432.43)				X	
87. Small processing.....	(432.53)	X				
88. Meat cutter.....	(432.63)			X		
89. Sausage and luncheon.....	(432.73)			X		
90. Ham processing.....	(432.83)			X		
91. Canned meats.....	(432.93)			X		
92. Renderers.....	(432.103)	X				
Phosphates						
93. Sodium phosphates.....	(422.63)	X				

COLUMN EXPLANATIONS:

(A) BAT control of conventional pollutants has been determined to be reasonable. The Agency is promulgating that BAT be equal to the BAT control of conventional pollutants. The Agency is also withdrawing the BAT control of conventional pollutants.

(B) The BAT control of conventional pollutants except for pH has been determined to be unreasonable. The Agency is withdrawing the BAT control of conventional pollutants except for pH until such time that BAT standards can be developed. The Agency is also promulgating that the BAT control of pH be equal to the BAT control.

(C) The Agency is either currently studying the BAT limitations in the industry (Seafoods, Cane Sugar) or has received data sufficient to warrant a study of the industry (Beet Sugar). The Agency is withdrawing the BAT conventional pollutant limitations and will promulgate BAT after the completion of the studies.

(D) The BAT regulations for these subcategories are currently under judicial review. Consequently, the Agency is suspending the BAT control of conventional pollutants.

(E) These BAT regulations were removed from the review because it was determined that the BAT limitation of zero discharge controlled toxic pollutants, not conventional pollutants.

¹Receiving Stations—Small plants (processing less than 150,000 pounds per day of milk equivalent) are found reasonable. Large plants (over 150,000 pounds per day of milk equivalent) are found unreasonable. The subcategory regulation has been rewritten to cover only those plants processing 150,000 pounds per day or less of milk equivalent.

Table 4—Continued

Industry and subcategory	(CFR Part)	(A) BCT = BAT	(B) BAT unreasonable, BAT withdrawn	(C) Withdrawn pending further study	(D) BAT withdrawn in response to litigation	(E) BAT analysis not required, no action
Grain mills						
13. Corn wet.....	(406.13)	X				
14. Corn dry.....	(406.23)	X				
15. Bulgur wheat.....	(406.43)		X			
16. Parboiled rice.....	(406.63)	X				
17. Ready-to-eat.....	(406.83)	X				
18. Wheat starch and Gluten.....	(406.103)	X				
Canned and preserved fruits and vegetable						
19. Apple juice.....	(407.13)	X				
20. Apple products.....	(407.23)	X				
21. Citrus products.....	(407.33)	X				
22. Frozen potato.....	(407.43)		X			
23. Dehydrated potato.....	(407.53)	X				
24. Canned and preserved fruits.....	(407.63)				X	
25. Canned and preserved vegetables.....	(407.73)				X	
26. Canned and miscellaneous specialties.....	(407.83)				X	
Canned and preserved seafoods						
27. Farm raised catfish.....	(408.13)			X		
28. Conventional blue crab.....	(408.23)			X		
29. Mechanized blue crab.....	(408.33)			X		
30. Nonremote Alaskan crab meat.....	(408.43)			X		
31. Remote Alaskan crab meat.....	(408.53)			X		
32. Nonremote Alaskan whole crab.....	(408.63)			X		
33. Remote Alaskan whole crab.....	(408.73)			X		
34. Dungeness and Tanner crab.....	(408.83)			X		
35. Nonremote Alaskan shrimp.....	(408.93)			X		
36. Remote Alaskan shrimp.....	(408.103)			X		
37. Northern shrimp.....	(408.113)			X		
38. Southern nonbreaded shrimp.....	(408.123)			X		
39. Breaded shrimp.....	(408.133)			X		
40. Tuna.....	(408.143)			X		
41. Fish meal.....	(408.153)			X		
42. West coast hand-butchered salmon.....	(408.163)			X		
43. West coast mechanized salmon.....	(408.183)			X		
44. Non-Alaskan conventional bottom fish.....	(407.213)			X		
45. Non-Alaskan mechanized bottom fish.....	(408.223)			X		
46. Hand-shucked clam.....	(408.233)			X		
47. Mechanized clam.....	(408.243)			X		
48. Pacific hand-shucked oyster.....	(408.253)			X		
49. Atlantic and Gulf hand-shucked oyster.....	(408.263)			X		
50. Steamed and canned.....	(408.273)			X		
51. Sardine.....	(408.283)			X		
52. Non-Alaskan scallop.....	(408.303)			X		
53. Non-Alaskan herring fillet.....	(408.323)			X		
54. Abalone processing.....	(408.333)			X		
Sugar processing						
55. Beet sugar.....	(409.13)			X		
56. Crystalline cane sugar.....	(409.23)			X		
57. Liquid cane sugar.....	(409.33)			X		
Cement						
58. Leaching.....	(411.23)		X			

²Natural, Processed Cheese—Small plants (processing 100,000 lbs/day or less of milk equivalent) are reasonable. Large plants (processing over 100,000 lbs/day of milk equivalent) are unreasonable. The limitations have been rewritten to cover only the small plants.

³Condensed Milk—Small plants (processing less than 100,000 pounds per day of milk equivalent) are being withdrawn pending further study. Large plants (processing over 100,000 pounds per day of milk equivalent) are reasonable. The limitations have been rewritten to cover only the large plants.

⁴Dry Milk—Small plants (processing 145,000 pounds per day or less of milk equivalent) are found unreasonable. Large plants (over 145,000 pounds per day of milk equivalent) are reasonable. The subcategory regulation has been rewritten to cover only those plants processing more than 145,000 pounds per day of milk equivalent.

⁵Condensed Whey—Small plants (processing 300,000 pounds per day or less of raw fluid whey input) are withdrawn pending further study. Large plants (processing over 300,000 pounds per day of raw fluid whey input) are unreasonable. All plants are therefore, in effect, unreasonable.

⁶Apple Juice—Small plants (processing 100 tons per day) are found unreasonable. Large plants (processing 500 tons per day) are found reasonable. The limitations are rewritten to cover only those plants processing 500 tons per day or over.

⁷Apple Products—Small plants (processing under 10 tons per day) were found to be unreasonable. Large plants (over 100 tons per day) were found reasonable. The proposed subcategory regulation has been rewritten to cover only those plants processing over 100 tons per day. All plants processing less than 100 tons per day, therefore, are, in effect, unreasonable.

⁸Ducks—There is insufficient data available to evaluate the BAT limitations for this subcategory. The limitations are being withdrawn until such time that BCT limitations can be developed.

PART 405—EFFLUENT LIMITATIONS GUIDELINES FOR STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE DAIRY PRODUCTS PROCESSING INDUSTRY POINT SOURCE CATEGORY

40 CFR Subchapter N Part 405 for the Dairy Products Processing Industry Point Source Category is amended as follows:

1. (a) The sections listed below are redesignated as follows and the original section numbers reserved for future use.

Subcategory	Original section designation (40 CFR)	Revised section designation (40 CFR)
Fluid products.....	405.23	405.27
Cultured products.....	405.33	405.37
Butter.....	405.43	405.47
Cottage, cream cheese.....	405.53	405.57
Fluid mix ice cream.....	405.73	405.77
Ice cream, frozen desserts, novelties and other dairy desserts	405.83	405.87
Dry whey.....	405.123	405.127

(b) The title and first paragraph of the sections redesignated above are amended to read as follows:

§— Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

2. The sections listed below are withdrawn and the section numbers reserved for future use.

Subcategory	Section designation (40 CFR)
Receiving stations.....	405.13
Natural and processed cheese.....	405.63
Condensed milk.....	405.93
Dry milk.....	405.103
Condensed whey.....	405.113

3. A new § 405.17 for the Receiving Stations subcategory is added as follows:

§ 405.17 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

(a) For receiving stations receiving more than 150,000 lb/day of milk equivalent (more than 15,600 lb/day of BOD₅ input).

Effluent characteristic	Effluent limitations
pH.....	Within the range 6.0 to 9.0.

(b) For receiving stations receiving 150,000 lb/day or less of milk equivalent (under 15,600 lb/day of BOD₅ input).

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of BOD ₅ input)		
BOD ₅	0.150	0.075
TSS.....	.188	.094

English units (pounds per 100 lb of BOD₅ input)

pH..... Within the range 6.0 to 9.0.

English units (pounds per 100 lb of BOD₅ input)

BOD₅..... 0.015 0.008
TSS..... .019 .009
pH..... Within the range 6.0 to 9.0.

4. A new § 405.67 for the Natural and Processed Cheese subcategory is added as follows:

§ 405.67 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

(a) For plants processing more than 100,000 lb/day of milk equivalent (more than 10,390 lb/day of BOD₅ input).

Effluent characteristic	Effluent limitations
pH.....	Within the range 6.0 to 9.0.

(b) For plants processing 100,000 lb/day or less of milk equivalent (less than 10,390 lb/day of BOD₅ input).

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of BOD ₅ input)		
BOD ₅	0.250	0.125
TSS.....	.312	.156
pH.....	Within the range 6.0 to 9.0.	

English units (pounds per 100 lb of BOD₅ input)

BOD₅..... 0.025 0.013
TSS..... .031 .016
pH..... Within the range 6.0 to 9.0.

5. A new § 405.97 for the Condensed Milk subcategory is added as follows:

§ 405.97 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best

conventional pollutant control technology.

(a) For plants processing more than 100,000 lb/day of milk equivalent (more than 10,390 lb/day of BOD₅ input).

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of BOD ₅ input)		
BOD ₅	0.760	0.380
TSS.....	.950	.475
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per 100 lb of BOD ₅ input)		
BOD ₅	0.076	0.038
TSS.....	.095	.048
pH.....	Within the range 6.0 to 9.0.	

(b) For plants condensing 100,000 lbs/day or less of milk equivalent (less than 10,390 lbs/day of BOD₅ input).

Effluent characteristic	Effluent limitations
pH.....	Within the range 6.0 to 9.0.

6. A new § 405.107 for the Dry Milk subcategory is added as follows:

§ 405.107 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

(a) For milk drying plants with an input equivalent to more than 145,000 lb/day of milk equivalent (more than 15,070 lb/day of BOD₅ input).

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of BOD ₅ input)		
BOD ₅	0.360	0.180
TSS.....	.450	.225
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per 100 lb of BOD ₅ input)		
BOD ₅	0.036	0.018
TSS.....	.045	.023
pH.....	Within the range 6.0 to 9.0.	

(b) For milk drying plants with an input equivalent to 145,000 lb/day or less of milk equivalent (15,070 lb/day or less of BOD₅ input).

Effluent characteristic	Effluent limitations
pH.....	Within the range 6.0 to 9.0.

7. A new § 405.117 for the Condensed Whey subcategory is added as follows:

§ 405.117 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

Effluent characteristic	Effluent limitations
pH.....	Within the range 6.0 to 9.0.

PART 406—GRAIN MILLS POINT SOURCE CATEGORY

40 CFR Subchapter N Part 406 for the Grain Mills Point Source Category is amended as follows:

1. (a) The sections listed below are redesignated as follows and the original section numbers reserved for future use.

Subcategory	Original section designation (40 CFR)	Revised section designation (40 CFR)
Corn wet milling.....	406.13	406.17
Corn dry milling.....	406.23	406.27
Parboiled rice processing.....	406.63	406.67
Ready to eat cereal.....	406.93	406.97
Wheat starch and gluten.....	406.103	406.107

(b) The title and first paragraph of the sections redesignated above are amended to read as follows:

§ — Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

* * *

2. The new sections listed below are added as follows:

§ — Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology: There shall be no discharge of process waste water pollutants to navigable waters.

Subcategory	Section designation (40 CFR)
Normal wheat flour milling.....	406.37
Normal rice milling.....	406.57
Animal feed.....	406.77
Hot cereal.....	406.87

§ 406.43 [Reserved]

3. The following section is withdrawn and the section number reserved for future use.

Subcategory	Section designation (40 CFR)
Bulgur wheat flour milling.....	406.43

4. A new § 406.47 for the Bulgur Wheat Flour Milling Subcategory is added as follows:

§ 406.47 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

Effluent characteristic	Effluent limitations
pH.....	Within the range 6.0 to 9.0.

PART 407—CANNED AND PRESERVED FRUITS AND VEGETABLES PROCESSING POINT SOURCE CATEGORY

40 CFR, Subchapter N, Part 407, for the Canned and Preserved Fruits and Vegetables Processing Point Source Category is amended as follows:

1. The sections listed below are withdrawn and the section number reserved for future use.

Subcategory	Section designation (40 CFR)
Apple juice.....	407.13
Apple products.....	407.23
Frozen potato products.....	407.43

2. (a) The sections listed below are redesignated as follows and the original section numbers reserved for future use.

Subcategory	Original section designation	Revised section designation
Citrus products.....	407.33	407.37
Dehydrated potato products.....	407.53	407.57

(b) The title and first paragraph of the sections redesignated above are amended to read as follows:

§ — Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

3. A new § 407.17 for the Apple Juice subcategory is added as follows:

§ 407.17 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

(a) For plants processing 500 tons per day or more of raw material.

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of raw material)		
BOD ₅	0.20	0.10
TSS.....	.20	.10
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per 1,000 lb of raw material)		
BOD ₅	0.20	0.10
TSS.....	.20	.10
pH.....	Within the range 6.0 to 9.0.	

(b) For plants processing less than 500 tons per day of raw material.

Effluent characteristic	Effluent limitations
pH.....	Within the range 6.0 to 9.0.

4. A new § 407.27 is added to the Apple Products Subcategory and reads as follows:

§ 407.27 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

(a) The following limitations apply to plants producing more than 100 tons per day of final product and establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

Effluent limitations		
Effluent characteristic	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (kilograms per 1,000 kg of raw material)		
BOD ₅	0.20	0.10
TSS.....	.20	.10
pH.....	Within the range 6.0 to 9.0.	
English units (pounds per 1,000 lb of raw material)		
BOD ₅	0.20	0.10
TSS.....	.20	.10
pH.....	Within the range 6.0 to 9.0.	

(b) The following limitations apply to plants producing less than 100 tons per day of final product and establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

Effluent characteristic	Effluent limitations
pH.....	Within the range 6.0 to 9.0.

5. A new § 407.47 is added to the Frozen Potato Products subcategory and reads as follows:

§ 407.47 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or

pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

Effluent characteristic	Effluent limitations
pH.....	Within the range 6.0 to 9.0.

PART 408—CANNED AND PRESERVED SEAFOOD PROCESSING POINT SOURCE CATEGORY

40 CFR, Subchapter N, Part 408, for the Canned and Preserved Seafood Processing Point Source Category is amended as follows:

1. The sections listed below are withdrawn, and the section numbers reserved for future use.

Subcategory	Section designation (40 CFR)
Farm Raised Catfish Processing.....	408.13
Conventional Blue Crab Processing.....	408.23
Mechanized Blue Crab Processing.....	408.33
Non-Remote Alaskan Crab Meat Processing.....	408.43
Remote Alaskan Crab Meat Processing.....	408.53
Non-Remote Alaskan Whole Crab and Crab Section Processing.....	408.63
Remote Alaskan Whole Crab and Crab Section Processing.....	408.73
Dungeness and Tanner Crab Processing in the Contiguous States.....	408.83
Non-Remote Alaskan Shrimp Processing.....	408.93
Remote Alaskan Shrimp Processing.....	408.103
Northern Shrimp Processing in the Contiguous States.....	408.113
Southern Non-Breaded Shrimp Processing in the Contiguous States.....	408.123
Breaded Shrimp Processing in the Contiguous States.....	408.133
Tuna Processing.....	408.143
Fish Meal Processing.....	408.153
West Coast Hand-Butchered Salmon Processing.....	408.163
West Coast Mechanized Salmon Processing.....	408.193
Non-Alaskan Conventional Bottom Fish Processing.....	408.213
Non-Alaskan Mechanized Bottom Fish Processing.....	408.223
Hand Shucked Clam Processing.....	408.233
Mechanized Clam Processing.....	408.243
Pacific Coast Hand-Shucked Oyster Processing.....	408.253
Atlantic Gulf Coast Hand-Shucked Oyster Processing.....	408.263
Steam and Canned Oyster Processing.....	408.273
Sardine Processing.....	408.283
Non-Alaskan Scallop Processing.....	408.303
Non-Alaskan Herring Fillet Processing.....	408.323
Abalone Processing.....	408.333

PART 409—SUGAR PROCESSING POINT SOURCE CATEGORY

40 CFR, Subchapter N, Part 409, for the Sugar Processing Point Source Category is amended as follows:

§ 409.13 [Amended]

1. (a) The following § 409.13 of the Beet Sugar Processing Subcategory is amended to read as follows:

(1) The following limitations establish the maximum permissible discharge of

process waste water pollutants when the process waste water discharge results from barometric condensing operations only.

Effluent characteristics	Effluent limitations
Temperature	Temperature not to exceed the temperature of cooled water acceptable for return to the heat producing process and in no event greater than 32° C (90° F).

(2) The following limitations establish the maximum permissible discharge of process waste water pollutants when the process waste water discharge results, in whole or in part, from barometric condensing operations and any other beet sugar processing operation.

Effluent characteristics	Effluent limitations
Temperature	Not to exceed 32° C (90° F).

(b) Paragraph (b) of § 409.13 is withdrawn.

2. The sections listed below are withdrawn and the section numbers reserved for future use.

Subcategory	Section designation
Crystalline Cane Sugar Refining	409.23
Liquid Cane Sugar Refining	409.33

3. The new sections listed below are added as follows:

§ — Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

Effluent characteristic	Effluent limitations
pH	Within the range 6.0 to 9.0.

Subcategory	Section designation
Beet Sugar Refining	409.17
Crystalline Cane Sugar Refining	409.27
Liquid Cane Sugar Refining	409.37

PART 411—CEMENT MANUFACTURING POINT SOURCE CATEGORY

40 CFR Subchapter N Part 411 for the Cement Manufacturing Point Source Category is amended as follows:

§§ 411.13, 411.23 [Amended]

1. Section 411.13 of the Nonleaching Subcategory and § 411.23 of the Leaching Subcategory are amended to read as follows:

§ — Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable.

Effluent characteristics	Effluent limitations (maximum for any 1 day)
--------------------------	--

Temperature (heat)	Not to exceed 3° C rise above inlet temperature.
--------------------------	--

2. A new § 411.17 is added for the Nonleaching Subcategory and reads as follows:

§ 411.17 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

Effluent characteristics	Effluent limitations (Maximum for any 1 day)
	Metric units (kg/kg of product)
TSS	0.005
pH	Within the range 6.0 to 9.0
	English units (lb/1,000 lbs of product)
TSS	0.005
pH	Within the range 6.0 to 9.0

3. A new § 411.27 for the Leaching Subcategory is added as follows:

§ 411.27 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

Effluent characteristic	Effluent limitations
pH	Within the range 6.0 to 9.0

4. (a) The section listed below is redesignated as follows and the original section number reserved for future use.

Subcategory	Original section designation	Revised section designation
Materials Storage Piles Runoff	411.33	411.37

(b) The title and first paragraph of the sections redesignated above are amended to read as follows:

§ 411.37 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

PART 412—FEEDLOTS POINT SOURCE CATEGORY

40 CFR Subchapter N Part 412 for the Feedlots Point Source Category is amended as follows:

1. A new § 412.17 for All Subcategories Except Ducks is added as follows:

§ 412.17 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology. There shall be no discharge of process waste water pollutants to navigable waters.

(b) Process waste pollutants in the overflow may be discharged to navigable waters whenever rainfall events, either chronic or catastrophic, cause an overflow of process waste water from a facility designed, constructed and operated to contain all process generated waste waters plus the runoff from a 25 year, 24 hour rainfall event for the location of the point source.

§ 412.23 [Reserved]

2. Section 412.23 for the Ducks Subcategory is withdrawn and the section number reserved for future use.

PART 418—FERTILIZER MANUFACTURING POINT SOURCE CATEGORY

40 CFR Subchapter N Part 418 for the Fertilizer Manufacturing Point Source Category is amended as follows:

1. Section 418.13 of the Phosphate Subcategory is amended as follows:

§ 418.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(c) The concentration of pollutants discharged in process wastewater pursuant to the limitations of paragraph (b) of this section shall not exceed the values listed in the following table:

Effluent characteristics	Effluent limitations (mg/l)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Total Phosphorus (as P).....	105	35
Fluoride.....	75	25

The total suspended solid limitations set forth in this paragraph shall be waived for process wastewater from a calcium sulfate storage pile runoff facility, operated separately or in combination with a water recirculation system, which is chemically treated and then clarified or settled to meet the other pollutant limitations set forth in this paragraph.

(d) The concentration of pollutants discharged in contaminated non-process wastewater shall not exceed the values listed in the following table:

Effluent characteristics	Effluent limitations (mg/l)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Total Phosphorus (as P).....	105	35
Fluoride.....	75	25

2. A new § 418.17 for the Phosphate Subcategory is added as follows:

§ 418.17 Effluent limitations and guidelines representing the degree of effluent reduction attained by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to

the provisions of this subpart after application of the best conventional pollutant control technology:

(a) Subject to the provision of paragraphs (b) and (c) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology: There shall be no discharge of process wastewater pollutants to navigable waters.

(b) Process wastewater pollutants from a calcium sulfate storage pile runoff facility operated separately or in combination with a water recirculation system designed, constructed and operated to maintain a surge capacity equal to the runoff from the 25-year, 24-hour rainfall event may be discharged, after treatment to the standards set forth in paragraph (c) of this section, whenever chronic or catastrophic precipitation events cause the water level to rise into the surge capacity. Process wastewater must be treated and discharged whenever the water level equals or exceeds the midpoint of the surge capacity.

(c) The concentration of pollutants discharged in process wastewater pursuant to the limitations of paragraph (b) of this section shall not exceed the values listed in the following table:

Effluent characteristics	Effluent limitations (mg/l)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
TSS.....	150	50

The total suspended solid limitations set forth in this paragraph shall be waived for process wastewater from a calcium sulfate storage pile runoff facility, operated separately or in combination with a water recirculation system, which is chemically treated and then clarified or settled to meet the other pollutant limitations set forth in this paragraph.

3. A new § 418.27 for the Ammonia Subcategory is added as follows:

§ 418.27 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best

conventional pollutant control technology.

Effluent characteristic	Effluent limitations
pH.....	Within the range 6.0 to 9.0

4. The sections listed below are added as follows:

§ — Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology: There shall be no discharge of process waste water pollutants to navigable waters.

Subcategory	Section designation
Ammonium Sulfate Production.....	418.67
Mixed and Blend Fertilizer Production	418.77

PART 422—PHOSPHATE MANUFACTURING POINT SOURCE CATEGORY

40 CFR Subchapter N Part 422 for the Phosphate Manufacturing Point Source Category is amended as follows:

1. Section 422.43 of the Defluorinated Phosphate Rock Subcategory is amended as follows:

§ 422.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(c) The concentration of pollutants discharged in process waste water pursuant to the limitations of paragraph (b) of this section shall not exceed the values listed in the following table:

(Milligrams per liter)		
Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Total Phosphorus (as P).....	105	35
Fluoride (as F).....	75	25

(d) The concentration of pollutants discharged in contaminated non-process wastewater shall not exceed the values listed in the following table:

Effluent characteristics	Effluent limitations (mg/l)	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Total Phosphorus (as P).....	105	35
Fluoride.....	75	25

2. A new § 422.47 for the Defluorinated Phosphate Rock Subcategory is added as follows:

§ 422.47 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

(a) Subject to the provisions of paragraphs (b), (c) and (d) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology: There shall be no discharge of process waste water pollutants to navigable waters.

(b) Process waste water pollutants from a cooling water recirculation system designed, constructed and operated to maintain a surge capacity equal to the runoff from the 25-year, 24-hour rainfall event may be discharged, after treatment to the standards set forth in paragraph (c) of this section, whenever chronic or catastrophic precipitation events cause the water level in the pond to rise into the surge capacity. Process waste water must be treated and discharged whenever the water level equals or exceeds the midpoint of the surge capacity.

(c) The concentration of pollutants discharged in process waste water pursuant to the limitations of paragraph (b) of this section shall not exceed the values listed in the following table:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
TSS.....	150	50
pH.....	Within the range 6.0 to 9.5.	

The total suspended solid limitation set forth in this paragraph shall be waived for process waste water from a calcium sulfate storage pile runoff facility, operated separately or in combination with a water recirculation system, which is chemically treated and then clarified or settled to meet the other pollutant limitations set forth in this paragraph.

(d) The concentration of pollutants discharged in contaminated non-process waste water shall not exceed the values listed in the following table:

(Milligrams per liter)	
Effluent characteristics	Effluent limitations
pH.....	Within the range 6.0 to 9.5.

3. Section 422.53 of the Defluorinated Phosphoric Acid Subcategory is amended as follows:

§ 422.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(c) The concentration of pollutants discharged in process waste water pursuant to the limitations of paragraph (b) of this section shall not exceed the values listed in the following table:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Total Phosphorus (as P).....	105	35
Fluoride (as F).....	75	25

(d) The concentration of pollutants discharged in contaminated non-process wastewater shall not exceed the values listed in the following table:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Total Phosphorus (as P).....	105	35
Fluoride (as F).....	75	25

4. A new § 422.57 for the Defluorinated Phosphoric Acid Subcategory is added as follows:

§ 422.57 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

(a) Subject to the provisions of paragraphs (b), (c) and (d) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology: There shall be no discharge of process waste water pollutants to navigable waters.

(b) Process waste water pollutants from a cooling water recirculation system designed, constructed and operated to maintain a surge capacity equal to the runoff from the 25-year, 24-hour rainfall event may be discharged, after treatment to the standards set forth in paragraph (c) of this section, whenever chronic or catastrophic precipitation events cause the water level in the pond to rise into the surge capacity. Process waste water must be treated and discharged whenever the water level equals or exceeds the midpoint of the surge capacity.

(c) The concentration of pollutants discharged in process waste water pursuant to the limitations of paragraph (b) of this section shall not exceed the values listed in the following table:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
TSS.....	150	50
pH.....	Within the range 6.0 to 9.5.	

The total suspended solid limitation set forth in this paragraph shall be waived for process waste water from a calcium sulfate storage pile runoff facility, operated separately or in combination with a water recirculation system, which is chemically treated and then clarified or settled to meet the other pollutant limitations set forth in this paragraph.

(d) The concentration of pollutants discharged in contaminated non-process waste water shall not exceed the values listed in the following table:

(Milligrams per liter)	
Effluent characteristics	Effluent limitations
pH.....	Within the range 6.0 to 9.5.

5. Section 422.63 of the Sodium Phosphate Subcategory is amended as follows:

§ 422.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Metric units, kg/kg of product; English units, lb/1,000 lb of product		
Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Total Phosphorus (as P).....	0.56	0.28
Fluoride (as F).....	0.21	0.11

6. A new § 422.67 for the Sodium Phosphate Subcategory is added as follows:

§ 422.67 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
(Metric units kg/kg of finished product; English units, lb/1,000 lb of product)		
TSS.....	0.35	0.19
pH.....	Within the range 6.0 to 9.5.	

PART 424—FERROALLOY MANUFACTURING POINT SOURCE CATEGORY

40 CFR Subchapter N Part 424 for the Ferroalloy Manufacturing Point Source Category is amended as follows:

1. Section 424.13 of the Open Electric Furnaces with Wet Air Pollution Control Devices Subcategory is amended as follows:

§ 424.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Metric units kg/Mwh		
Chromium total.....	.0008	.0004
Chromium VI.....	.00008	.00004
Manganese total.....	.008	.0039
English units lb/Mwh		
Chromium total.....	.0017	.0009
Chromium VI.....	.0002	.0001
Manganese total.....	.017	.0086

2. A new § 424.17 for the Open Electric Furnaces with Wet Air Pollution Control Devices Subcategory is added as follows:

§ 424.17 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Metric units kg/Mwh		
TSS.....	0.024	0.012
pH.....	Within the range 6.0 to 9.0.	

English units lb/Mwh		
TSS.....	0.052	0.026
pH.....	8W/Within the range 6.0 to 9.0.	

3. Section 424.23 of the Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices Subcategory is amended as follows:

§ 424.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Metric units kg/Mwh		
Chromium total.....	.001	.0005
Chromium VI.....	.0001	.00005
Manganese total.....	.011	.005
Cyanide total.....	.0005	.0003
Phenols.....	.0004	.0002
English units lb/Mwh		
Chromium total.....	.002	.0012
Chromium VI.....	.0002	.0001
Manganese total.....	.023	.012
Cyanide total.....	.001	.0006
Phenols.....	.0009	.0005

Provided, however, That for nonelectric furnace smelting processes, the units of effluent limitations set forth in this section shall be read as "kg/kg of product" rather than "kg/Mwh," and the limitations (except for pH) shall be 3.3 times those listed in the table in this section (or, for English units, "lb/ton of product" rather than "lb/Mwh," and the limitations (except for pH) shall be three times those listed in the table).

4. A new § 424.27 for the Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices Subcategory is added as follows:

§ 424.27 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best

conventional pollutant control technology:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/Mwh	
TSS.....	0.032	0.016
pH.....	Within the range 6.0 to 9.0.	
Effluent characteristics	English units lb/Mwh	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/Mwh	
TSS.....	0.071	0.035
pH.....	Within the range 6.0 to 9.0.	

Provided, however, That for nonelectric furnace smelting processes, the units of effluent limitations set forth in this section shall be read as "kg/kg of product" rather than "kg/Mwh," and the limitations (except for pH) shall be 3.3 times those listed in the table in this section (or, for English units, "lb/ton of product" rather than "lb/Mwh," and the limitations (except for pH) shall be three times those listed in the table).

5. Section 424.33 of the Slag Processing Subcategory is amended as follows:

§ 424.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/kg processed	
Chromium total.....	.0054	.0027
Manganese total.....	.054	.027
Effluent characteristics	English units lb/ton of raw material	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/kg processed	
Chromium total.....	.011	.0054
Manganese total.....	.108	.054

6. A new § 424.37 for the Slag Processing Subcategory is added as follows:

§ 424.37 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/Mwh	
TSS.....	0.271	0.136
pH.....	Within the range 6.0 to 9.0.	
Effluent characteristics	English units lb/Mwh	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/Mwh	
TSS.....	0.542	0.271
pH.....	Within the range 6.0 to 9.0.	

7. Section 424.43 of the Covered Calcium Carbide Furnaces with Wet Air Pollution Control Devices Subcategory is amended as follows:

§ 424.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	(Metric units) kg/kg of product	
Total Cyanide.....	0.0056	0.0028
Effluent characteristics	English units lb/1000 lb of product	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	(Metric units) kg/kg of product	
Total Cyanide.....	0.0056	0.0028

8. A new § 424.57 for the Other Calcium Carbide Furnaces Subcategory is added as follows:

§ 424.57 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or

pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology: There shall be no discharge of process waste water pollutants to navigable waters.

9. Section 424.63 of the Electrolytic Manganese Products Subcategory is amended as follows:

§ 424.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart producing electrolytic manganese after application of the best available technology economically achievable:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	(Metric units) kg/kg of product	
Manganese.....	0.678	0.339
Ammonia-N.....	6.778	3.389
Effluent characteristics	English units lb/1000 lb of product	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	(Metric units) kg/kg of product	
Manganese.....	0.678	0.339
Ammonia-N.....	6.778	3.389

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart producing electrolytic manganese dioxide after application of the best available technology economically achievable:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	(Metric units) kg/kg of product	
Manganese.....	0.176	0.088
Ammonia-N.....	1.762	.881
Effluent characteristics	English units lb/1000 lb of product	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	(Metric units) kg/kg of product	
Manganese.....	0.176	0.088
Ammonia-N.....	1.762	.881

10. Section 424.73 of the Electrolytic Chromium Subcategory is amended as follows:

§ 424.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of product		
Manganese.....	0.530	0.265
Chromium.....	.053	.027
Ammonia-N.....	5.297	2.649
(English units) lb/1000 lb of product		
Manganese.....	0.530	0.265
Chromium.....	.053	.027
Ammonia-N.....	5.297	2.649

11. The new sections listed below are added as follows:

§—— Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

Effluent characteristic	Effluent limitations
pH.....	Within the range 6.0 to 9.0.
Subcategory	Section designation
Covered calcium carbide furnaces with wet air pollution control devices.....	424.47
Electrolytic manganese products.....	424.67
Electrolytic chromium.....	424.77

PART 426—GLASS MANUFACTURING POINT SOURCE CATEGORY

40 CFR Subchapter N Part 426 for the Glass Manufacturing Point Source Category is amended as follows:

1. The sections listed below are added as follows:

§—— Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology: There shall be no discharge of process waste water pollutants to navigable waters.

Subcategory	Section designation (40 CFR)
Insulation fiberglass.....	426.17
Sheet glass.....	426.27
Rolled glass manufacturing.....	426.37

§ 426.43 [Reserved]

2.(a) Section 426.43 of the Plate Glass Manufacturing Subcategory is redesignated as § 426.47 and the original section number reserved for future use.

(b) The title and first paragraph of the section redesignated above is amended to read as follows:

§ 426.47 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

3. The regulations listed below are withdrawn and the section numbers reserved for future use.

Subcategory	Section designation
Automotive glass tempering.....	426.63
Glass container manufacturing.....	426.83
Glass tubing (Danner) manufacturing.....	426.103

4. The regulations listed below are added as follows:

§—— Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best

conventional pollutant control technology.

Effluent characteristic	Effluent limitation
pH.....	Within the range 6.0 to 9.0.
Subcategory	Section designation (40 CFR)
Float glass manufacturing.....	426.57
Automotive glass tempering.....	426.67
Automotive glass laminating.....	426.77
Glass container manufacturing.....	426.87
Glass tubing (Danner) manufacturing.....	426.107
Television picture tube.....	426.117
Envelope manufacturing.....	426.127
Incandescent lamp.....	426.127
Envelope manufacturing hand pressed and blown glass manufacturing.....	426.137

5. Section 426.53 for the Float Glass Manufacturing subcategory is amended as follows:

§ 426.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (g/kg of product)		
Phosphorus.....	0.05	0.05
English units (lb/ton of product)		
Phosphorus.....	0.0001	0.0001

6. Section 426.73 for the Automotive Glass Laminating subcategory is amended as follows:

§ 426.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
Metric units (g/kg of product)		
Phosphorus.....	.30	.30
English units (lb/ton of product)		
Phosphorus.....	.06	.06

7. Section 426.113 of the Television Picture Tube Envelope Manufacturing Subcategory is amended as follows:

§ 426.113 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable. These limitations are applicable to the abrasive polishing and acid polishing waste water streams.

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) g/kg of furnace pull		
Fluoride	120.0	60.0
Lead	0.9	0.45
(English units) lb/1000 lb of furnace pull		
Fluoride	0.12	0.06
Lead	0.0009	0.00045

8. Section 426.123 of the Incandescent Lamp Envelope Manufacturing Subcategory is amended as follows:

§ 426.123 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) Any manufacturing plant which frosts incandescent lamp envelopes shall meet the following limitations with regard to the finishing operations.

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) g/kg of product frosted		
Fluoride	104.0	52.0
Ammonia	240.0	120.0
(English units) lb/1000 lb of product frosted		
Fluoride	0.104	0.052
Ammonia	0.24	0.12

9. Section 426.133 of the Hand Pressed and Blown Glass Manufacturing Subcategory is amended as follows:

§ 426.133 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

(a) Any plant which melts raw materials, produces hand pressed or blown leaded glassware, discharges greater than 50 gallons per day of process waste water, and employs hydrofluoric acid finishing techniques shall meet the following limitations.

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
mg/l		
Lead	0.2	0.1
Fluoride	26.0	13.0

(b) Any plant which melts raw materials, produces non-leaded hand pressed or blown glassware, discharges greater than 50 gallons per day of process waste water, and employs hydrofluoric acid finishing techniques shall meet the following limitations.

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
mg/l		
Fluoride	26.0	13.0

PART 427—ASBESTOS MANUFACTURING POINT SOURCE CATEGORY

40 CFR Subchapter N Part 427 for the Asbestos Manufacturing Point Source Category is amended as follows:

1. Section 427.93 of the Solvent Recovery Subcategory is amended to read as follows:

§ 427.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of

this subpart after application of the best available technology economically achievable.

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of finished asbestos products		
COD	0.30	0.15
(English units) lb/1,000 lb of finished asbestos products		
COD	0.30	0.15

2. A new § 427.97 is added to the Solvent Recovery Subcategory as reads below:

§ 427.97 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
(Metric units) kg/kg of finished asbestos products		
TSS	0.18	0.09
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of finished asbestos products		
TSS	0.18	0.09
pH	Within the range 6.0 to 9.0.	

PART 432—MEAT PRODUCTS POINT SOURCE CATEGORY

40 CFR Subchapter N Part 432 for the Meat Products Points Source Category is amended as follows:

1. The sections listed below are withdrawn and the section numbers reserved for future use.

Subcategory	Section designation (40 CFR)
Simple Slaughterhouse	432.13
Complex Slaughterhouse	432.23
Low Processing Packinghouse	432.33
High Processing Packinghouse	432.43

2. The new sections listed below are added as follows:

§ — Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section and attributable to on-site slaughter or subsequent meat, meat product or byproduct processing of carcasses of animals slaughtered on-site, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

Effluent characteristic	Effluent limitations
Fecal coliform pH.....	Maximum at any time 400 mpn/100 ml. Within the range of 6.0 to 9.0.

Subcategory	Section designation
Simple Slaughterhouse.....	432.17
Complex Slaughterhouse.....	432.27
Low Processing Packinghouse.....	432.37
High Processing Packinghouse.....	432.47

§ 432.53 [Reserved]

3. (a) Section 432.53 of the Small Processor Subcategory is redesignated as Section 432.57 and the original section number reserved for future use.

(b) The title and first paragraph of the section redesignated above is amended to read as follows:

§ 432.57 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology.

* * *

4. Section 432.63 of the Meat Cutter Subcategory is amended as follows:

§ 432.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best

available technology economically achievable:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Milligrams per liter—effluent		
Ammonia.....	8.0 mg/l	4.0

5. Section 432.73 of the Sausage and Luncheon Meats Processor Subcategory is amended as follows:

§ 432.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Milligrams per liter—effluent		
Ammonia.....	8.0 mg/l	4.0

6. Section 432.83 of the Ham Processor Subcategory is amended as follows:

§ 432.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Milligrams per liter—effluent		
Ammonia.....	8.0 mg/l	4.0

7. Section 432.93 of the Canned Meats Processor Subcategory is amended as follows:

§ 432.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
Milligrams per liter—effluent		
Ammonia.....	8.0 mg/l	4.0

8. Section 432.103 of the Renderer Subcategory is amended as follows:

§ 432.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristics	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
(Metric units) kg/kg of raw material		
Ammonia.....	0.14	0.07
English units lb/1,000 lb of raw material		
Ammonia.....	0.14	0.07

9. A new § 432.107 for the Renderer Subcategory is added as follows:

§ 432.107 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of

this subpart after application of the best conventional technology pollutant control technology:

Effluent limitations		
Effluent characteristics	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
(Metric units) kg/kg of finished product		
BOD5.....	0.18	0.09
TSS.....	0.22	0.11
Oil & grease.....	0.10	0.05
pH.....	Within the range 6.0 to 9.0	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.	
(English units) lb/1,000 lb of finished product		
BOD5.....	0.18	0.09
TSS.....	0.22	0.11
Oil & grease.....	0.10	0.05
pH.....	Within the range 6.0 to 9.0	
Fecal coliforms.....	Maximum at any time 400 mpn/100 ml.	

(b) The limitations given in paragraph (a) of this section for BOD₅ and TSS are derived for a renderer which does no cattle hide curing as part of the plant activities. If a renderer does conduct hide curing, the following empirical formulas should be used to derive an additive adjustment to the effluent limitations for BOD₅ and TSS.

BOD ₅ Adjustment (kg/kg RM) =	3.6 × (number of hides)
	kg of raw material
(lb/1,000 lb RM) =	7.9 × (number of hides)
	lbs of raw material
TSS Adjustment (kg/kg RM) =	6.2 × (number of hides)
	kg of raw material
(lb/1,000 lb RM) =	13.6 × (number of hides)
	lbs of raw material

10. The new sections listed below are added as follows:

§ — Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

Effluent characteristic	Effluent limitations
Fecal coliform.....	Maximum at any time 400 mpn/100 ml.
pH.....	Within the range of 6.0 to 9.0

Subcategory and section designation

Meat Cutter, 432.67.
Sausage and Luchon Meats Processor, 432.77.
Ham Processor, 432.87.
Canned Meats Processor, 432.97.

Appendix A—Documents Used in the Analysis

The data for each of the industry categories were taken from the documents listed below:

1. Dairy Products

Dairy Products Processing, EPA 440/1-74-021-a.

2. Grain Mills

Grain Processing, EPA 440/1-74-028-a.
Animal Feed, Breakfast Cereal and Wheat Starch, EPA 440/1-74-039-a.
Corn Wet Milling, EPA 440/1-78/028-b, Supplement.

3. Fruits and Vegetables

Apple, Citrus and Potato Products, EPA 440/1-74-027-a.
Economic Analysis of the Fruits and Vegetables Category (Phase II), EPA 230/1-75-036, Supplement, April 1976.

4. Seafood

Fish Meal, Salmon, Bottom Fish, Clam, Oyster, Sardine, Scallop, Herring, and Abalone, EPA 440/1-75/041-a.
Catfish, Crab, Shrimp and Tuna, EPA-440/1-74-020-a.

5. Sugar Processing

Beet Sugar Processing, EPA 440/1-74-002-b.
Cane Sugar Processing, EPA 440/1-74-002-c.

6. Cement Manufacturing

Cement Manufacturing, EPA 440/1-74-005-a.

7. Feedlots

Feedlots, EPA 440/1-74/004-a.

8. Phosphate Manufacturing

Other Non-Fertilizer Phosphate Chemicals, EPA 440/1-75/043-a.

9. Ferroalloys

Smelting and Slag Processing, EPA 440/1-74/008-a.
Calcium Carbide, EPA 440/1-75/038.
Electrolytic Ferroalloys, EPA 440/1-75/038-a.

10. Glass Manufacturing

Pressed and Blown Glass, EPA 440/1-75-034-a.
Flat Glass, EPA 440/1-74/001-c.
Insulation Fiberglass, EPA 440/1-74-001-b.

11. Meat Products

Red Meat Processing, EPA 440/1-74-102-a.
Processor, EPA 440/1-74/031.
Independent Rendering, EPA 440/1-77/031-e, Supplement.

Appendix B—The Cost of Pollutant Removal By Publicly Owned Treatment Works

Background. In order to develop an effluent limitation which meets BCT requirements,

Congress requires that the cost and level of reduction of conventional pollutants by industrial dischargers be compared with the cost and level of reduction to remove the same type of pollutants by publicly owned treatment works (POTWs). The POTW comparison figure has been calculated by evaluating the change in costs and removals between secondary treatment (30 mg/l BOD and 30 mg/l TSS) and advanced secondary treatment (10 mg/l BOD and 10 mg/l TSS). The difference in cost is divided by the difference in pounds of conventional pollutants removed, resulting in an estimate of the "dollar per pound" of pollutant removed.

The following details the specific calculation of this POTW cost figure. This involves four basic steps: first, the average size POTW is determined; second, the total annual costs for secondary and advanced secondary treatment are estimated; third, the pollutant removal of the systems is calculated; fourth, the additional costs are divided by the additional pounds of pollutants removed.

All the costs have been indexed to third quarter 1976 dollars to make them comparable to the industry costs which are in September 1976 dollars. The specific indices used are presented in the discussion below. The POTW cost figure can be updated to current year dollars by use of these indices.

Average sized POTW. The POTW cost figure is based on the average flow size POTW for the Nation. This average size is calculated by dividing the total national daily flow of sewage by the number of POTWs in the country. There are 26,205 mgd of sewage discharged by 14,592 POTWs which results in an average size POTW of 2 mgd.¹

Total annual POTW costs. The Agency based its estimates of annual POTW costs on information from two documents: The Construction Cost Document² and the O & M Cost Document³ both issued by EPA's Office of Water Program Operations. These documents provide the most up-to-date information regarding the costs of constructing and operating POTWs.

¹ "1978 Survey of Needs, Conveyance and Treatment of Municipal Wastewater, Summaries of Technical Data," EPA 430/9-79-002, February 1979, at 9 and 13.

² "Construction Costs for Municipal Wastewater Treatment Plants: 1973-1977," EPA 430/9-77-013, January 1978 (hereinafter cited as "Construction Cost Document").

³ "Analysis of Operations and Maintenance Costs for Municipal Wastewater Treatment Systems," EPA 430/9-77-015, May 1978 (hereinafter cited as "O & M Cost Document").

The POTW costs used in estimating the cost of pollutant removal are the total annual costs of upgrading a secondary treatment system to advanced secondary treatment (AST). This is done by estimating the total annual costs for a new advanced secondary treatment system and deducting the savings that are expected if secondary treatment is already in place. Total annual costs include capital charges and operations and maintenance expenses.

The annual capital cost for a new AST system is equal to:

$$\frac{\text{capital cost of AST}}{\text{capital recovery factor}} \times \text{price deflator}$$

BILLING CODE 6560-01-M

This is specifically calculated as follows.

$$\begin{aligned} (1) \text{ capital cost of AST }^4 &= (3.5 \times 10^6)(Q^{.91}), \text{ where } Q \text{ is flow in mgd.} \\ &= (3.5 \times 10^6)(2^{.91}) \\ &= \$6.61 \text{ million} \end{aligned}$$

$$(2) \text{ capital recovery factor }^5 = 9.427, \text{ based on a 30 year amortization at a 10 percent interest rate.}$$

$$\begin{aligned} (3) \text{ price deflator }^6 &= \frac{\text{LCAT index, third quarter 1976}}{\text{LCAT index, first quarter 1978}} \\ &= \frac{129}{143} \\ &= .902 \end{aligned}$$

$$\begin{aligned} (4) \text{ annual capital cost of AST} &= \frac{\text{capital costs of AST}}{\text{capital recovery factor}} \times \text{price deflator.} \\ &= \frac{\$6.61 \text{ million}}{9.427} \times .902 \\ &= \$.633 \text{ million a year} \end{aligned}$$

The annual savings from having secondary treatment in-place are equal to:

$$\frac{\text{capital savings of in-place secondary}}{\text{capital recovery factor}} \times \text{price deflator}$$

⁴ Construction Cost Document. Supra note 2, Figure 7.1, curve 2.

⁵ Management Accounting, Robert Anthony and James Reece, June 1975, Appendix Tables, Table B (hereinafter cited as "Management Accounting").

⁶ "Construction Cost Index Quarterly Recap," Office of Water Program Operations, EPA, first quarter 1976 et seq (hereinafter cited as "Construction Cost Index")

This is specifically calculated as follows.

- (1) capital savings of in-place secondary⁷ = $(2.145 \times 10^6)(Q^{.89})$, where Q is flow in mgd
 $= (2.145 \times 10^6)(2^{.89})$
 $= \$3.98 \text{ million}$
- (2) capital recovery factor⁸ = 9.427, based on a 30 year amortization at a 10 percent interest rate.
- (3) price deflator⁹ = $\frac{\text{SCCT index, third quarter 1976}}{\text{SCCT index, first quarter 1978}}$
 $= \frac{119}{132}$
 $= .902$
- (4) annual capital savings of in-place secondary = $\frac{\text{capital savings of in-place secondary}}{\text{capital recovery factor}} \times \text{price deflator}$
 $= \frac{\$3.98 \text{ million}}{9.427} \times .902$
 $= \$.381 \text{ million a year.}$

The O&M costs for an AST are equal to: O&M cost for AST x price deflator.

This is specifically calculated as follows.

- (1) O&M cost¹⁰ = $(6.85 \times 10^4)(Q^{1.44})$, where Q is flow in mgd
 $= (6.85 \times 10^4)(2^{1.44})$
 $= \$.186 \text{ million a year}$

⁷ Construction Cost Document. Supra note 2, Figure 7.1, curve B.

⁸ Management Accounting, Supra note 5, Appendix Tables, Table B.

⁹ Construction Cost Index, Supra note 6.

¹⁰ O&M Cost Document, Supra note 3, Figure E. 2-4.

$$\begin{aligned} (2) \text{ price deflator }^{11} &= \frac{\text{O\&M index third quarter 1976}}{\text{O\&M index, first quarter 1978}} \\ &= \frac{206}{230} \\ &= .896 \end{aligned}$$

$$\begin{aligned} (3) \text{ O\&M for an AST} &= \text{O\&M cost} \times \text{price deflator} \\ &= \$.186 \text{ million a year} \times .896 \\ &= .167 \text{ million a year} \end{aligned}$$

The O&M costs for secondary treatment are equal to:

O&M cost for secondary treatment \times price deflator.

This is specifically calculated as follows.

$$\begin{aligned} (1) \text{ O\&M cost }^{12} &= (8.25 \times 10^4)(Q^{.96}), \text{ where } Q \text{ is flow in mgd.} \\ &= (8.25 \times 10^4)(2^{.96}) \\ &= \$.160 \text{ million a year} \end{aligned}$$

$$\begin{aligned} (2) \text{ price deflator }^{13} &= \frac{\text{O\&M index, third quarter 1976}}{\text{O\&M index, first quarter 1978}} \\ &= \frac{206}{230} \\ &= .896 \end{aligned}$$

$$\begin{aligned} (3) \text{ O\&M for secondary treatment} &= \text{O\&M cost} \times \text{price deflator} \\ &= \$.160 \text{ million a year} \times .896 \\ &= \$.143 \text{ million a year} \end{aligned}$$

¹¹ "O&M Cost Index Quarterly Recap," Office of Water Program Operations, EPA, first quarter 1976 et seq (hereinafter cited as "O&M Cost Index").

¹² O&M Cost Document, Supra note 3, Figure E. 2-3.

¹³ O&M Cost Index, Supra note 11.

The incremental total annual cost of upgrading in-place secondary treatment to AST is equal to:

(annual capital cost of new AST + O&M for AST) -

(annual capital savings of having in-place secondary treatment + O&M for secondary treatment).

This is specifically calculated as follows, using the results of the previous calculations.

$$\begin{aligned}\text{Incremental total annual cost} &= (\$.633 \text{ million a year} + \$.167 \text{ million a year}) - \\ &\quad (\$.381 \text{ million a year} + \$.143 \text{ million a year}) \\ &= (\$.800 \text{ million a year}) - (\$.524 \text{ million a year}) \\ &= \$.276 \text{ million a year}\end{aligned}$$

Pollutant Removal by POTWs. The other half of calculating the cost per pound of pollutant removed requires the determination of the number of pounds of conventional pollutants removed by advanced secondary treatment beyond secondary treatment. The pounds of pollutants removed equal the flow of the POTW times the change in concentrations of the pollutants as they pass through the system. For the calculations presented here the influent concentration is 210 mg/l for BOD and 230 mg/l for TSS.¹⁴ For a 2 mgd POTW that treats BOD to 30 mg/l and TSS to 30 mg/l the pounds of BOD and TSS removal equal:

$$\begin{aligned}&= \text{flow} \times \text{change in concentration} \\ &= \frac{(2 \text{ million gallons})}{\text{day}} \times \frac{((210 + 230) - (30 + 30))\text{mg}}{\text{liter}} \\ &= \frac{(2 \text{ million gallons})}{\text{day}} \times \frac{(380) \text{ mg}}{\text{liter}} \\ &= \frac{(2 \text{ million gallons})}{\text{day}} \times \frac{(380 \text{ mg})}{\text{liter}} \times \frac{(365 \text{ days})}{\text{year}} \times \frac{(3.785 \text{ l})}{\text{gallon}} \times \frac{(1 \text{ lb})}{454,000 \text{ mg}} \\ &= 2.31 \text{ million pounds of BOD and TSS removed per year.}\end{aligned}$$

¹⁴ "Areawide Assessment Procedures Manual, Appendix H, Point Source Control Alternatives," EPA Laboratories, Cincinnati, Ohio, at H-14.

For an advanced secondary treatment plant that treats to 10 mg/l BOD and 10 mg/l TSS the removal is:

$$\begin{aligned}
 &= \frac{(2 \text{ million gallons})}{\text{day}} \times \frac{(210 + 230) - (10 + 10)) \text{ mg}}{\text{liter}} \\
 &= \frac{(2 \text{ million gallons})}{\text{day}} \times \frac{(420) \text{ mg}}{\text{liter}} \times \frac{(365 \text{ days})}{\text{year}} \times \frac{(3.785 \text{ l})}{\text{gallon}} \times \frac{(1 \text{ lb})}{454,000 \text{ mg}} \\
 &= 2.55 \text{ million pounds a year}
 \end{aligned}$$

The incremental removal equals (2.55 million pounds a year) - (2.31 million pounds a year) = .24 million pounds a year.

The effluent characteristics of 30 mg/l BOD and 30 mg/l TSS for secondary treatment were selected, because this is the legal requirement for POTWs as established by EPA. Effluent characteristics of 10 mg/l BOD and 10 mg/l TSS for advanced secondary treatment are used since they represent the best performance for advanced secondary treatment. Using the best recognized performance gives the POTWs credit for removing the most pollutants and therefore tends to bias the per pound cost of pollutant removal downward. This will result in the greatest possible relief for industries. Appendix D discusses this in additional detail. Both the 30 mg/l and the 10 mg/l performance levels correspond to the maximum 30-day average performance of the POTW.

Incremental Cost of Removal. To calculate the cost of pollutant removal of upgrading secondary treatment to advanced secondary treatment, the additional costs must be divided by the additional removal of BOD and TSS. Specifically the calculation is:

$$\begin{aligned}
 &= \frac{\text{incremental total annual costs}}{\text{incremental annual pollutant removal}} \\
 &= \frac{\$.276 \text{ million a year}}{.24 \text{ million pounds a year}} \\
 &= \$1.15 \text{ a pound}
 \end{aligned}$$

This cost is indexed for various time periods below:

Cost of Pollutant Removal

	<u>First Quarter</u>	<u>Second Quarter</u>	<u>Third Quarter</u>	<u>Fourth Quarter</u>
1976	\$1.10	\$1.14	\$1.15	\$1.17
1977	\$1.18	\$1.20	\$1.25	\$1.26
1978	\$1.27	\$1.30	\$1.34	\$1.41

Appendix C—Industrial Category Discussion Summary Table of Data

Following is a category-by-category discussion of the analysis of each of the guidelines reviewed. Included in the discussion are responses to the industry specific comments made by representatives of each industry on the August 23, 1978 proposal.

Following the discussion, Table C1 summarizes the data used in the determination of the reasonableness of the guidelines. The table lists the model plants that were considered for each subcategory for each industry in this review. Column 1 shows the size (small, medium, large) of the model plants. Column 2 shows the cost per pound of conventional pollutant removed.

Dairy Products Processing (40 CFR Part 405)

Pollutants controlled: In all subcategories the only conventional pollutants controlled are BOD₅, total suspended solids, and pH. Nonconventional and toxic pollutants are not controlled.

Methodology: Costs and pollutant removals for model plants in each subcategory are constructed from information contained in the development document. This information is based on production, waste water flow, waste loading and waste load reduction at the BPT and BAT levels, and the costs to achieve those levels. In all of the subcategories, there are different limitations for small and large plants. The limitations for the small plants are less stringent than those for the large plants in the subcategory. Each set of model plants is constructed so as to test the two sets of limitations in each subcategory. The small plant is assumed to receive one-half the level of milk equivalent specified in each subcategory regulation, while the large plant is assumed to receive twice the level of milk equivalent specified in each subcategory regulation. For example, if the size cutoff specified between the different regulations in a subcategory is 100,000 pounds per day of milk equivalent, it is assumed that the small plant receives 50,000 pounds per day and the large plant receives 200,000 pounds per day.

Results: Controls of pH are reasonable because the BAT guidelines do not require stricter control than what is required under BPT, therefore the pH level at BCT is being promulgated equal to BPT control. For all subcategories except the receiving stations, natural and processed cheese, dry milk and condensed whey subcategories, controls of BOD₅ and TSS are reasonable because the model plants exhibit lower costs than a POTW to remove a pound of BOD₅ and TSS. Therefore, those eight BAT regulations for the dairy products processing industry are being withdrawn and identical BCT limitations are being promulgated.

In the receiving stations subcategory, the large model plant is found to have unreasonable costs and the small model plant reasonable costs. Therefore, the Agency is promulgating BCT limitations equal to BAT for small plants processing 150,000 pounds or less of milk equivalent per day and withdrawing the limitations for plants larger than this size cutoff.

In the natural and processed cheese subcategory, the limitations for small plants

are reasonable and the limitations for large plants unreasonable. Therefore, the Agency is promulgating BCT limitations for small plants processing 100,000 lbs/day or less of milk equivalent equal to BAT. The limitations for large plants are being withdrawn.

In the dry milk subcategory, the small plants are found unreasonable and the large plants reasonable. Therefore, the Agency is promulgating the BCT limitations equal to BAT for large plants processing more than 145,000 pounds per day of milk equivalent, and withdrawing the limitations for smaller plants.

In the condensed whey subcategory, the limitations for large plants processing 300,000 pounds per day of fluid raw whey are found unreasonable and are being withdrawn.

For two subcategories, condensed milk (Subpart I) and condensed whey (Subpart K), discharges of barometric condenser water for small plants are allowed for BPT, while no discharge of barometric condenser water is assumed for BAT. The Agency is reviewing comments submitted on the costs for conversion from barometric condensers. The BAT limitations for the small plants (less than 100,000 per day of milk equivalent for condensed milk, and less than 300,000 pounds per day of fluid raw whey for condensed whey) in these subcategories are being withdrawn and BCT limitations will be promulgated after further review.

Industry Comments:

The Agency used data from old development documents which may be outdated and inaccurate.

The Agency has reviewed the existing BAT limitations for this, and all other, secondary industries on the basis of the information in the Agency record supporting those limitations. The gathering of new data would have unduly delayed the completion of the review and was not contemplated by the Congress.

The Dairy industry representatives, with only one exception, did not provide any new data. The data provided by one spokesman was plant specific and not sufficient to represent the industry or the subcategory affected.

The Agency should consider the effects of other government regulations on the costs to the industry of achieving the effluent guidelines.

The limitations are evaluated based on information in the existing record. The effects of other government regulations on the pollutant load or costs of an industry were taken into account as part of the original regulatory development and contained in that record. No new consideration of those effects is warranted.

The Agency should include the costs of treating barometric condenser water in its evaluation of the limitations.

As mentioned above, this factor is being evaluated in the condensed milk and condensed whey subcategories.

The BAT limitations are not technologically achievable.

This review is limited to determining the cost reasonableness of existing regulations. It is not intended to reopen issues of technology which were properly addressed at the time BAT was promulgated.

Grain Mills (40 CFR Part 406)

Pollutants Controlled: In all subcategories tested, the only conventional pollutants controlled are BOD₅, TSS, and pH. Nonconventional and toxic pollutants are not controlled.

Methodology: Data for all sizes of model plants used are taken from the development documents for the industry. The data are based on production, waste water flow, waste loading and waste load reduction at the BPT and BAT levels of control and the costs to achieve those levels of control. In those instances where more than one model plant has been developed to represent the subcategory, the cost test is applied to all model plants.

Results: Controls of pH are reasonable because the BAT guidelines do not require stricter control than required under BPT. Consequently, the pH regulations for all subcategories are being promulgated equal to the pH control at BPT.

Four of the subcategories (normal wheat flour milling, normal rice milling, animal feed, and hot cereal) are subject to a BPT and BAT regulation of zero discharge and therefore do not require any further analysis. BCT will call for a zero discharge limitation for these four subcategories. BAT is being kept in force because the zero discharge limitation applies to all pollutants, not only conventional pollutants.

Of the six remaining subcategories in this category, only one (bulgur wheat flour milling) is determined to be unreasonable. The cost per pound of BOD₅ and TSS removed exceeds the POTW costs. The BAT control of BOD₅ and TSS for this subcategory is being withdrawn.

The remaining five subcategories have reasonable BAT limitations for conventional pollutants. Therefore, the Agency is promulgating the BCT effluent guidelines limitations for the remaining five subcategories (corn wet milling, corn dry milling, parboiled rice processing, ready-to-eat cereal and wheat starch and gluten) equal to the existing BAT effluent limitations guidelines for conventional pollutants.

Industry Comments:

The Agency uses cost figures which are inaccurate and understated.

Data submitted by industry spokesmen showed total costs to be significantly higher than those used by EPA. An analysis of these submitted costs shows, however, that several of the treatment component costs included in the figures are those of technologies required under BPT. The data submitted is not sufficient for the Agency to change its determination of reasonableness since only costs above those required for BPT are appropriate to consider.

Canned and Preserved Fruits and Vegetables Processing (40 CFR Part 407)

Pollutants Controlled: In all subcategories, BOD₅, TSS and pH are controlled. Toxic and nonconventional pollutants are not controlled in any of the subcategories.

Methodology: Data for model plants in all of the subcategories are taken from the development document and economic analysis for the industry. This data includes information on production, waste water flow,

pollutant load concentration, pollutant load reduction at the BPT and BAT levels of control, and costs to achieve those levels of control.

Results: (1) Citrus products, and dehydrated potato products: The limitation of pH is reasonable because it is the same at both BPT and BAT. Therefore, the BCT pH limitation is being promulgated equal to BPT. The BAT guidelines for two of these subcategories for TSS and BOD₅, are determined to be reasonable and are redesignated as BCT.

(2) Apple juice: Two model plants are tested in this subcategory. The large model plant (500 tons per day) is reasonable. The small plant (100 tons per day) is unreasonable. Therefore, the Agency has determined that the BAT limitations for plants processing less than 500 tons per day of raw material will be withdrawn and that BCT limitations for plants processing 500 tons per day or more of raw material will be promulgated equal to BAT.

(3) Apple products: Two model plants are tested in this subcategory. The BAT effluent guideline for the large plant (100 tons per day) is reasonable, while the BAT effluent guideline for the small plant (10 tons per day) is unreasonable. The Agency is promulgating BCT equal to BAT for all plants that have a production of at least 100 tons per day of raw material processed. Additionally, the Agency is withdrawing the BAT limitation for plants processing less than 100 tons per day of raw material.

(4) Canned and preserved fruits, canned and preserved vegetables, canned and miscellaneous specialties: In a separate action, pursuant to an agreement between the Agency and the National Food Processors Association, the BAT limitations for these subcategories have been withdrawn. 44 FR 36033 (June 20, 1979). BCT limitations will be promulgated after further review.

(5) Frozen potato products: The Agency is reviewing data submitted during the comment period. The BAT limitations are withdrawn and BCT limitations will be promulgated after further review.

EPA used outdated and inaccurate data in determining the reasonableness of BAT for the potato processing industry.

Potato processing industry spokesmen submitted data on current operating conditions. As discussed above EPA is reviewing the data submitted.

Sugar Processing (40 CFR Part 409)

Pollutants Controlled: In all subcategories, BOD₅, TSS and pH are controlled. In the beet processing subcategory, fecal coliform is also controlled. No nonconventional or toxic pollutants are controlled.

Methodology: Data for model plants in all of the subcategories are taken from the development documents published pursuant to the promulgation of BAT guidelines. The data includes information on production, waste water flow, pollutant load concentrations, pollutant load reduction at the BPT and BAT levels of control, and the costs to achieve those levels of control.

Results: Three subcategories were considered in this review: beet sugar processing, crystalline cane sugar refining,

and liquid cane sugar refining. The Hilo-Hamakua Coast of the Island of Hawaii raw cane sugar processing subcategory, the Louisiana raw cane sugar processing subcategory, and the Puerto Rican raw cane sugar processing subcategory do not have any BAT regulations in effect. The Florida and Texas raw cane sugar processing subcategory and the Hawaiian raw cane sugar processing subcategory have a BPT effluent limitation of zero discharge. Consequently, no test of reasonableness is required.

For the three subcategories originally tested, controls of pH and fecal coliform are reasonable because the BAT guidelines do not require any additional control beyond BPT.

The Agency is not promulgating its determination of reasonableness in the beet sugar and cane sugar refining subcategories. In the proposed rulemaking, the limitations for all subcategories were found reasonable. In the cane sugar refining subcategories, the Agency is currently reviewing the BAT limitations pursuant to a court agreement with the industry. See *California & Hawaiian Sugar Co. v. EPA*, 553 F.2d 280, 282, n.3. (2 Cir. 1977). The BCT limitations will be established as part of this review. In the interim, the BAT limitations for conventional pollutants are withdrawn. In the beet sugar subcategory, the industry submitted data sufficient to warrant a reevaluation of the Agency's determination of reasonableness.

Industry Comments:

The Agency failed to use current data on costs and pollutant removals to determine the reasonableness of the limitations.

Representatives of the beet sugar industry have provided industrywide data on costs and pollutant loadings. The Agency is still evaluating this data and will promulgate its determination of reasonableness when the evaluation is complete.

Canned and Preserved Seafoods (40 CFR Part 408)

The Agency, in a separate action, is reviewing the BAT limitations for the seafoods industry. When that review is complete, the BCT limitations for this industry will be promulgated. Until that time, the Agency is withdrawing all BAT limitations in the seafood industry.

Cement Manufacturing (40 CFR Part 411)

Pollutants Controlled: In all subcategories the conventional pollutants controlled are total suspended solids and pH. The nonleaching and leaching subcategories also have a temperature limitation.

Methodology: The data for the subcategory model plant are taken from the development document. The data includes information on production, waste water flow, pollutant loads and concentrations, pollutant load reduction at the BPT and BAT levels, and the costs to achieve those treatment levels.

Results: The leaching subcategory is the only subcategory which is tested and is found to have unreasonable limitations for TSS at the BAT level. The Agency is withdrawing the BAT control of TSS for this subcategory, but is retaining the control for pH, redesignating that control as BCT.

The subcategories of nonleaching and materials storage piles runoff were not tested because both are under equal limitations at BPT and BAT. The Agency is promulgating the BCT limitations equal to the BAT limitations.

Industry Comments:

Industry disputed EPA's statement that the BCT limitations for the Nonleaching and Material Runoff Subcategories were to be set at zero discharge.

In Appendix E of its proposed regulation, EPA stated that the BPT and BAT limitations were zero discharge. This was an error; discharge is allowed in these subcategories. However, BPT and BAT limitations are identical, and, in the proposed regulation itself, BCT was set at the correct level. This rulemaking promulgates those limitations as BCT.

Feedlots (40 CFR Part 412)

Pollutants Controlled: The pollutants BOD₅ and fecal coliform are controlled under BPT in the ducks subcategory. The BAT limitation is no discharge of process wastewater. In the other subcategory (all subcategories except ducks) the BPT and BAT limitations are zero discharge. There are no nonconventional or toxic pollutant controls.

Methodology: The only subcategory which has stricter limitations at BAT than BPT is the ducks subcategory. However, the information on the costs and technologies necessary to achieve BAT is not available. Because of this, the BAT limitation for this subcategory is being withdrawn until information becomes available to properly evaluate the limitation.

Results: Subcategory A (all subcategories except ducks) is excluded from the analysis because both BPT and BAT limitations are zero discharge of process wastewater. This limitation will also be used as the BCT regulation.

The BAT limitations for the ducks subcategory are being withdrawn. The BCT limitations for this subcategory will be promulgated after further information is developed to evaluate the subcategory.

Industry Comments:

The Agency improperly found the ducks subcategory to be reasonable without performing the required cost test.

The Agency recognizes this inconsistency and is withdrawing those limitations.

Fertilizer Manufacturing (40 CFR Part 418)

The phosphate subcategory has zero discharge limitations at both BPT and BAT. The effluent resulting from storm runoff also must be treated to certain levels of concentration. These concentration limits are equal at BPT and BAT. Therefore, the BCT limitation is being promulgated equal to BAT.

The ammonium sulfate production and mixed and blend fertilizer production subcategories have zero discharge limitations at BPT and BAT. This same limitation is being promulgated for BCT.

The urea and ammonium nitrate subcategories are being dealt with in a separate rulemaking.

The nitric acid subcategory has no limitations on conventional pollutants.

Industry Comments: No comments were received concerning this industry.

Phosphate Manufacturing (40 CFR Part 422)

Pollutants Controlled: Total suspended solids, total phosphorus, and pH are the controlled conventional pollutants in this point source category. Fluoride, a nonconventional pollutant, is also controlled.

Methodology: Model plant data for the sodium phosphate subcategory (the only subcategory tested) is taken from the development document. The data includes information in production, waste water flow, pollutant loading, pollutant load reduction at the BPT and BAT levels, and the costs associated with achieving those levels of control.

Results: The sodium phosphates subcategory is found to have reasonable BAT limitations for conventional pollutants. Although the incremental costs to meet BAT are not specified, the costs are estimated to be less than 5% of the costs to comply with BPT. Based on this estimate, the cost per pound of TSS removed, if all costs were applied to the removal of TSS, is less than the cost of removal for POTWs. Therefore the BCT control of TSS and pH is being equated to BAT control.

The defluorinated phosphate rock and defluorinated phosphoric acid subcategories have BAT limitations which are equal to their BPT limitation. The Agency is therefore promulgating the BCT limitations equal to the BAT limitations for conventional pollutants. No other subcategories have regulations which are in effect.

Industry Comments: No comments were received concerning this industry.

Ferroalloy Manufacturing (40 CFR Part 424)

Pollutants Controlled: In all subcategories tested, the controlled conventional pollutants are total suspended solids and pH. Toxic pollutants, including chromium, manganese, cyanide and phenols are also controlled in most subcategories.

Methodology: The data for a model plant for each subcategory are from the development documents. All data on model plant production, waste water flow, and pollutant loading, and pollutant control levels are taken from those development documents.

Results: Of the six subcategories analyzed as to the reasonableness of their respective conventional pollutant BAT limitations, three are reasonable and three unreasonable. The three reasonable subcategories are: Subpart A, open electric furnaces and other smelting operations with wet air pollution control devices; Subpart B, covered electric furnaces and other smelting operations with wet air pollution control devices; and Subpart C, slag processing. The BCT limitations for these subcategories are set equal to BAT. The three unreasonable subcategories are: Subpart D, covered calcium carbide furnaces with wet air pollution control devices; Subpart F, electrolytic manganese products; and Subpart G, electrolytic chromium. The BAT limitations for the unreasonable subcategories are therefore withdrawn and BCT limitations will be set at a later date.

Subpart E, other calcium carbide furnaces, has a BPT and BAT limitation of zero discharge and is, therefore, not included in the analysis. The BCT limitation is being

promulgated as zero discharge for this subcategory.

Industry Comments:

The industry does not believe TSS to be an indicator of toxic pollutants. If it is designated such, then costs attributable to the Resource Conservation and Recovery Act should also be considered in the BCT cost test.

The designation of TSS as an indicator of toxic pollutants in this industry is only a possibility. If the TSS limitation in this industry is called a toxic indicator, the TSS parameter would also be controlled under BAT.

The Agency used model plants which vary considerably in size from those found in the development document.

Model plants in the industry were developed to find a flow size for the cost comparison to a POTW in the proposed methodology. The revised methodology eliminates the need to develop flow sizes for model plants. The development document indicates a constant cost per megawatt-hour (Mwhr) of power use. The effluent limitations are set on a pounds per Mwhr basis. The cost per pound is calculated by dividing the cost per Mwhr by the pounds of removal per Mwhr. The result is the same as that stated in the proposed rules.

Glass Manufacturing (40 CFR Part 426)

Pollutants Controlled: Total suspended solids and pH are controlled in all subcategories. Three subcategories have increased controls for oil. Additionally, three subcategories have controls of other pollutants such as fluoride and lead.

Methodology: Data for a model plant for each subcategory tested are from the industry development documents. The data includes information on production, waste water flow, pollutant concentrations, and treatment costs to achieve the BPT and BAT limitations, as well as the pollutant load reductions for each level of control.

Results: The BPT and BAT limitation for process water in the insulation fiberglass subcategory is zero discharge. Specific limitations are established at BPT on the discharge of conventional pollutants and phenols from wet air pollution control devices. The BAT limitation is zero discharge from all sources. Since the zero discharge limitation controls phenols, a toxic pollutant, no BCT analysis is required. A BCT limitation of zero discharge from all sources is being promulgated.

The sheet glass and rolled glass subcategories are not analyzed because the BPT limitation is zero discharge. BCT is also being promulgated as zero discharge for these subcategories.

The plate glass subcategory is the only subcategory of those tested to be found reasonable. The Agency is promulgating the BCT control of conventional pollutants equal to the BAT control of conventional pollutants in this subcategory.

All other subcategories (float glass manufacturing, automotive glass tempering, automotive glass laminating, glass container manufacturing, television picture tube envelope manufacturing, incandescent lamp envelope manufacturing and hand pressed

and blown glass manufacturing) are found to be unreasonable and the BAT control of conventional pollutants is being withdrawn. In the hand pressed and blown glass subcategory, no cost information is available for the analysis. However, the technology and pollutant loads are similar to the rest of the unreasonable subcategories. On this basis, it is assumed that costs would be similar, and unreasonable.

Industry Comments: No comments were received concerning specific industry issues.

Meat Products (40 CFR Part 432)

Pollutants Controlled: In all subcategories tested, the conventional pollutants controlled are TSS, BOD5, oil and grease and pH. Ammonia, a nonconventional pollutant, is also controlled in all subcategories. However, the ammonia limitation has been remanded in the simple slaughterhouse, complex slaughterhouse, low processing packinghouse and high processing packinghouse subcategories.

Methodology: The data for model plants for each subcategory are from the development documents for the regulations. The data includes information on production, waste water flow, pollutant concentrations, pollutant reductions at the BCT and BAT levels of control, and the costs to achieve those levels of control for each model plant.

Results: For subparts A through D, portions of the BAT limitations not applying to conventional pollutants have been remanded by the courts. In one of these subcategories, the TSS limitations were also remanded. In response to this removal, these limitations are currently being reviewed. In the interim, the Agency is withdrawing the remaining BAT limitations for BOD5 and TSS. The limitations for fecal coliform and pH in these subcategories are being retained because controls of these pollutants are the same at BPT and BAT.

In the case of four additional meat industry subcategories, subparts E through I, the Agency is conducting a review of the limitations beyond BPT, so BCT is not being promulgated at this time. The final limitations will be promulgated at a later date.

In the small processor subcategory, there are minimal costs associated with the BAT limitations. The costs of such additional removal are reasonable and the Agency is promulgating BCT equal to BAT.

The limitations in the renderer subcategory are reasonable. The waste water flow allows the existing end-of-pipe treatment system to remove ammonia and conventional pollutants. This technology was chosen as the most cost-effective means of controlling ammonia, a nonconventional pollutant. The costs are totally attributable to ammonia control in this case.

Industry Comments:

A substantial portion of the costs of treatment are attributable to conventional pollutant control. Not all costs should be allocated to ammonia control.

The Agency is reviewing its determination of reasonableness for the meat cutter, sausage and luncheon meats, ham processor and canned meats subcategories based on this comment. These subcategory regulations include extensive added and of

treatment beyond BPT, part of which could be attributable to conventional pollutant control. In the renderer subcategory, there is no added end-of-pipe treatment beyond BPT, part of which could be listed above. For the reasons stated above, the Agency is promulgating the BCT regulations for the renderer subcategory equal to BAT.

Other Industries

There are industrial categories and subcategories, other than those listed previously, that are not tested for reasonableness. These categories were excluded from the analysis because they do not have any regulations in effect, or have only BPT regulations in effect.

The industrial categories which have no regulations in effect are: water supply; miscellaneous foods and beverages; transportation; fish hatcheries and farms; steam supply; clay, gypsum, refractory, and ceramic production; concrete products; and shore receptors and bulk terminals.

Three additional industrial categories have in effect only the BPT limitations. These are offshore oil and gas extraction, hospitals, and mineral mining and processing. The mineral mining and processing category also has some subcategories which have no limitations in effect.

The Asbestos industrial category has a BAT limitation of zero discharge in seven subcategories. These subcategories are not analyzed because the zero discharge limit is for the control of toxic pollutants and is not subject to review.

Table C1.—Summary of Data

Industry and subcategory	1 Model Plant size	2 Model* Plant \$/lb.
Dairy		
1. Receiving stations.....	s	0.58
2. Fluid produce.....	i	1.55
3. Cultured produce.....	s	.12
4. Butter.....	i	.76
5. Cottage, cream cheese.....	s	.29
6. Natural, processed cheese.....	i	.99
7. Fluid mix for ice cream.....	s	.59
8. Ice cream, frozen desserts.....	i	.35
9. Condensed milk.....	s	1.06
10. Dry milk.....	i	.61
11. Condensed whey.....	s	1.21
12. Dry whey.....	i	.38
Grain mills		
13. Corn wet milling.....	s	.98
14. Corn dry milling.....	m	.10
15. Bulgar wheat.....	i	.09
16. Parboiled rice.....	s	.85
17. Ready-to-eat cereal.....	i	.56
18. Wheat starch and gluten... Canned and preserved fruits and vegetables	t	22.00

Table C1.—Summary of Data—Continued

Industry and subcategory	1 Model Plant size	2 Model* Plant \$/lb.
19. Apple juice.....	s	1.16
20. Apple products.....	i	1.79/3.74
21. Citrus products.....	s	.35
22. Frozen potato.....	i	.39
23. Dehydrated potato.....	l	.13
24. Canned and preserved fruits.....	Withdrawn pending further study.	.20
25. Canned and preserved vegetables.....	s	.13
26. Canned and miscellaneous specialties.....	Withdrawn in separate action.	
27. Farm raised catfish.....	Do.	
28. Conventional blue crab.....	Do.	
29. Mechanized blue crab.....	Do.	
30. Nonremote Alaskan crab ..	Do.	
31. Remote Alaskan crab.....	Do.	
32. Nonremote Alaskan whole crab.....	Do.	
33. Remote Alaskan whole crab.....	Do.	
34. Dungeness and tanner crab.....	Do.	
35. Nonremote Alabama shrimp.....	Do.	
36. Remote Alabama shrimp...	Do.	
37. Northern shrimp.....	Do.	
38. Southern nonbreaded shrimp.....	Do.	
39. Breaded shrimp.....	Do.	
40. Tuna.....	Do.	
41. Fish meal w/out solubles plant.....	Do.	
42. West coast butchered salmon.....	Do.	
43. West coast mechanized salmon.....	Do.	
44. Non-Alaskan Conventional bottom fish.....	Do.	
45. Non-Alaskan Mechanized bottom fish.....	Do.	
46. Handshucked clam.....	Do.	
47. Mechanized clam.....	Do.	
48. Pacific handshucked oyster.....	Do.	
49. Atlantic and Gulf hand- shucked oyster.....	Do.	
50. Steamed and canned oyster.....	Do.	
51. Sardine.....	Do.	
52. Non-Alaskan scallop.....	Do.	
53. Non-Alaskan herring fillet...	Do.	
54. Abalone Processing.....	Do.	
Sugar processing		
55. Beet sugar.....	Not Promulgated pending further study	
56. Crystalline cane sugar.....	Do.	
57. Liquid cane sugar.....	Do.	
58. Leaching.....	t	4.40
Feedlots		
59. Ducks.....	Data not available, withdrawn.	
Ferroalloys		
60. Open electric furnaces wet.....	t	.84
61. Covered electric and smelting wet.....	t	.83
62. Slag Processing.....	t	.02
63. Covered calcium carbide wet.....	t	1.58
64. Electrolytic manganese.....	t	1.45
65. Electrolytic chromium.....	t	1.98
Glass manufacturing		
66. Ins. Fiberglass.....	t	(1)
67. Plate.....	t	.33
68. Float.....	t	14.42
69. Auto tempering.....	t	2.88

Table C1.—Summary of Data—Continued

Industry and subcategory	1 Model Plant size	2 Model* Plant \$/lb.
70. Auto laminating.....	t	5.58
71. Container.....	t	3.80
72. Tubing.....	t	2.76
73. TV picture tube.....	t	8.56
74. Incandescent Lamp envelope.....	t	26.29
75. Hand pressed and blown .. Asbestos.....	Costs unknown.	
76. Cement Pipe.....	Not part of BCT review because pollutants are toxics.	
77. Cement sheet.....	Do.	
78. Paper starch binder.....	Do.	
79. Paper (elastomeric binder)	Do.	
80. Roofing.....	Do.	
81. Floor File.....	Do.	
82. Wet Dust Collection.....	Do.	
Meat products		
83. Simple slaughterhouse.....	Regulations remanded by the court, regulations suspended.	
84. Complex slaughterhouse...	Do.	
85. Low Processed packaginghouse.....	Do.	
86. High processed packaginghouse.....	Do.	
87. Small Processed.....	No costs associated with meeting BAT.	
88. Meat cutter.....	Withdrawn pending further study.	
89. Sausage and luncheon.....	Do.	
90. Ham processing.....	Do.	
91. Canned meats.....	Do.	
92. Renderers.....	t	0
Phosphates		
93. Sodium phosphates.....	Minimal costs associated with meeting BAT.	

xs=Extra small size model plants.
s=Small size model plants.
m=Medium size model plants.
l=Large size model plants.
t=Typical size model plants.

*The model plant \$/lb. is compared to a POTW cost of \$1.15 to determine reasonableness.

†BAT technology applies to wastewater of wet scrubbers only, costs and removals not available.

Appendix D—Responses to Comments

1. *Comment*—Several comments state that the Act requires the application of two tests in determining an appropriate BCT. Two supplemental tests are suggested by commenters. One involves some measure of water quality benefits, while the other calls for an examination of the cost-effectiveness of pollutant removal within an industry subcategory.

Response—Commenters base their assertion that the Act requires the use of two tests in establishing BCT on the specific language of Section 304(b)(4)(B). This subsection requires the Administrator to consider:

The reasonableness of the relationship between the costs of attaining a reduction in effluent and the effluent reduction benefits derived, and the comparison of the cost and level of reduction of such pollutants from the discharge from publicly owned treatment works to the cost and level of reduction of such pollutants from a class or category of industrial sources * * * (emphasis added).

Although many commenters assert that this section requires the use of two tests, most simply point to the conjunctive nature of the clause contained in that section. Few suggest alternative tests.

In developing the proposed BCT methodology, EPA carefully examined the language of the statute and its legislative history. The Agency has fully and exhaustively looked at a number of alternative approaches and believes that the methodology detailed here fully satisfies Congressional intent.

The range of other tests which have been considered independently or as a supplement to the promulgated approach are detailed in the proposal (see 44 Fed. Reg. 37606-07). In fact, EPA did apply a second test, the "concentration test", in the proposed rulemaking, but for reasons explained elsewhere, this test is not being included in the final methodology.

Several commenters argue that, in addition to any POTW comparison, the local water quality benefits of applying BCT must be examined. They rely on that portion of section 304(b)(4)(B) which requires that BCT include consideration of "effluent reduction benefits." Consideration of "effluent reduction benefits" is already required in setting BPT limitations, and EPA has consistently interpreted this phrase as requiring an evaluation of the total incremental amount of pollutants removed by application of the effluent limitations. Courts have agreed that the phrase does not require an assessment of the benefits to local water quality. See, e.g., *Weyerhaeuser Co. v. Costle*, 590 F.2d 1011 (D.C. Cir. 1978); *American Petroleum Institute v. EPA*, 540 F.W.2d 1023 (10th Cir. 1976). As in the case of BPT and BAT, BCT limitations are nationally applicable technology-based limitations for which it is impossible to identify localized water quality benefits. However, EPA does consider "effluent reduction benefits" when the total quantity of pollutants removed is calculated and a cost per pound determined.

Several commenters argue that a "knee-of-the-curve" assessment be made which would identify the point at which the rate of increasing costs drastically begins to exceed pollutant removal rates. EPA agrees that the "knee-of-the-curve" analysis could conceptually be a valid consideration in determining BCT, and indeed one factor in assessing POTW costs was such an analysis. Nonetheless, the Agency found this concept impossible to apply in determining industry cost ratios. First, any determination of "knee-of-the-curve" requires large amounts of data about the performance of various levels of treatment technology. Such data is

not now available and, in industries with limited technology options, cannot be developed. More fundamentally, this assessment involves the presumption that there is, in fact, some point where costs dramatically begin rise in relation to effluent reduction benefits. In virtually no case can such a point be identified for industrial sources. First, limited data do not yield sufficient information to plot any accurate graph of "cost to benefits". Second, in some cases, costs do not rise exponentially; certain later stages of treatment may in fact be more cost-effective than the necessary preliminary steps. In the absence of any "knee-of-the-curve" benchmark, there is no point at which costs can be said to be unreasonable in relation to benefits.

Some commenters suggest that a "knee-of-the-curve" be determined based on the ratio of the average cost of achieving BPT to the cost to progress from BPT to BAT. No suggestion is made, however, as to what ratio should be considered unreasonable. Again, this approach provides no benchmark for determining a point at which BCT costs are reasonable. Congress, however, established the POTW cost comparison which provides just such a benchmark.

2. *Comment*—Several commenters state that EPA should use BPT as a starting point in evaluating the reasonableness of existing limitations. They point to statements in the legislative history of the 1977 Amendments indicating that BPT was to be the starting point in determining BCT limitations. This statement is supported by citations of the legislative history which indicate that certain Members of Congress believed that BPT was generally an adequate level of control, and that BAT was probably unreasonably stringent.

EPA agrees that the purpose of establishing BCT is to insure that requirements beyond BPT are not unreasonable. EPA will allow only BPT to remain in-effect where further controls are appropriate. The POTW comparison establishes the maximum point at which costs are reasonable in relation to benefits. The Agency uses BPT as the base for determining the reasonableness of incremental levels of control.

3. *Comment*—EPA's proposed "concentration test" has no statutory basis and, moreover, fails to account for variation in influent pollutant concentrations and penalizes industries which practice water conservation.

Response—In order to provide for greater flexibility in conducting the industry BCT reviews, EPA proposed that a concentration test be performed where industries that had treatment costs higher than POTW costs. In this

test, the effluent concentration of the industry subcategory was compared to the effluent of a POTW at secondary treatment, and, if the industrial effluent showed significantly higher concentrations of pollutants, BAT for the industry was determined to still be reasonable.

EPA agrees with many of the criticisms of the concentration test. Although the legislative history indicates that, in some cases, industries failing the POTW test may still have reasonable limitations, the use of this concentration test present problems. It may actually be a disincentive to water conservation, and it fails to account for differences in influent concentrations. Further, it may not be a good measure of treatment efficiencies. The test is therefore being dropped.

4. *Comment*—Several commenters assert that EPA, in establishing its cost comparison methodology, fails to consider additional factors specified by Congress.

Response—Section 304(b)(4)(B) provides that in establishing BCT the Administrator must consider a range of factors in addition to the cost reasonableness assessment. Such factors include, among others, the age of equipment, production processes and energy requirements. These factors are, however, identical to those which must be considered in establishing BAT, and have already been evaluated for those BAT limitations which have been found to be reasonable. When new BCT limitations are promulgated, these factors will be assessed when evaluating candidate technologies.

5. *Comment*—EPA should use a single number POTW cost figure for comparison with industry costs.

Response—In its proposed methodology, EPA compared the cost per pound of removal for industries with those of POTWs of comparable flow. Costs for these POTWs ranged from \$0.36 to \$1.72 per pound. This approach resulted, in some cases, in industries with low costs for removal being found to have unreasonable limitations, while limitations on industries with high costs were found to be reasonable. To remedy this problem, EPA now will use a single POTW cost figure for comparison with all industries. As discussed in Appendix B, this single number is based on costs for removal at a 2 mgd POTW. This size facility was selected based on a flow weighted average of existing POTWs.

6. *Comment*—Several commenters argue that EPA's use of the increment from BPT to BAT in its cost calculation underestimates the marginal costs of removal at BCT. These costs are underestimated, it is argued, because

costs are likely to rise at a much steeper rate as treatment levels reach BAT.

Response—EPA believes that use of the BPT to BAT increment appropriately reflects the costs per pound to achieve increased levels of control. For purposes of this review of the secondary industries no other increment could have been used. For most of these industries cost data was only available for the BPT and BAT technologies, and, since Congress did not intend that EPA undertake extensive new analyses, this was the only increment available for calculating BCT costs.

For any industry which BCT is established in the future, including the primary industries, EPA will evaluate the increment from BPT to the candidate BCT technology. This increment most accurately reflects the costs to upgrade existing facilities from BPT to BCT. Only such increased levels of control which pass the cost reasonableness assessment may be established as BCT.

The increment of BPT to BAT is suitable for several reasons. First, this increment does approximate the marginal costs of removal at the BCT candidate level. While use of narrower increments based on intermediate levels of technology might yield better approximations, none would accurately reflect marginal costs and thus, even these increments would be subject to the same criticism. Second, it is difficult to select the intermediate technologies to calculate costs and removals, since selection of intermediate technologies is, of necessity, arbitrary. If an intermediate increment were used, alternative increments could in all cases be identified which would affect the cost per pound calculation. Lastly a methodology which employed the suggested approach could not feasibly be employed by permit writers to set BCT limitations on a case-by-case basis.

Use of the increment from BPT to the candidate technology avoids these problems. Although various candidates might be evaluated, calculations of the cost per pound for each is certain since they are based on a fixed interval from BPT to the candidate level.

7. Comment—Several commenters argue that EPA should calculate POTW cost per pound of removal based on the increment from primary to secondary treatment or from raw waste load to secondary treatment.

Response—As discussed in the preamble section, "Modifications to the Proposal", EPA believes that for purposes of the BCT comparison, the increment from secondary to advanced secondary most accurately reflects costs per pound of pollutant removal at POTWs. This increment approximates

marginal costs at secondary treatment, represents a narrow, cost-effective increment beyond secondary treatment, and parallels the increment used in the industry calculation.

Commenters suggest that EPA should calculate the POTW cost comparison figure to emphasize the initial cheapest pounds of pollutants removed by POTWs. EPA believes that this is clearly contrary to Congress' intent in this matter. Congress acknowledged that current BPT treatment requirements are reasonable, and that costs to achieve BPT were not to be included in industrial calculations. Inclusion of costs to go from raw waste load or primary treatment to secondary treatment in calculating POTW costs, however, would be comparable to calculation of BCT based on the costs to industry to progress from no control to BCT. Nor do any such increments have any conceptual value in identifying the marginal costs of treatment. Use of such increments biases the POTW figure and obviously leads to a very low POTW cost comparison figure.

8. Comment—Commenters argue that the POTW calculation is based on treatment practices that are peculiar to POTWs and not typical of industrial treatment. They notice that industry generally removes a greater percentage of pollutants and that industries generally have higher influent concentrations.

Response—The POTW/industry cost comparison was established by Congress. It is not intended to compare technology practices; rather, the costs to POTWs for treatment, regardless of the type of treatment, serve as a benchmark for measuring the reasonableness of costs to industry.

9. Comment—Several commenters feel that it is improper for EPA to include COD and oil and grease in the BCT analysis because these parameters had not been officially determined to be conventional pollutants at the time of the BCT proposal last August.

Response—EPA has withdrawn its proposal to designate COD as a conventional pollutant, and therefore it is not used in the BCT calculations. Oil and grease has, however, been designated as a conventional pollutant and will continue to be included in the BCT methodology.

10. Comment—One commenter states that the addition of the pounds of TSS and BOD might, in some cases, result in the "double counting" of pollutants removed. Other commenters object to the substitution of oil and grease or COD for BOD.

Response—In developing its methodology, EPA was aware of the

difficulties of calculating total pounds of conventional pollutants removed. In many cases treatment equipment removes more than one pollutant, and, in some cases, a pollutant can be properly classed as more than one type of pollutant. To minimize this problem EPA has divided into two classes the pollutants which may tend to be double counted. These classes are solids (TSS), and oxygen demanding substances (BOD and oil and grease). Only one pollutant from each class will be included in the calculation. Thus, if both BOD and oil and grease are removed by an industry, only the parameter with the greater amount of removal will be used. This methodology helps ensure that an industry is not attributed artificially low cost per pound of removal because of the double counting of these pollutants.

Additionally, any problem of double counting between classes is greatly reduced by the fact that the same methodology is employed in both the POTW and industry cost per pound calculations. Any decrease in cost per pound attributable to such double counting will occur on both sides of the cost comparison.

11. Comment—Several respondents express concerns that the treatment costs they would bear at the BAT level would result in severe economic hardships. They request that EPA give greater attention in the BCT review to assessing the magnitude of possible economic impacts and that the Agency consider these impacts when making the BCT determinations.

Response—The purpose of this review was to determine whether existing regulations were "cost reasonable." EPA addressed the question of overall economic impacts during the initial development of BAT regulations. When these BAT limitations were established, the economic impacts were considered along with the other necessary factors. Regardless, no additional impacts will result from these BCT limitations, and for many industries some cost savings will occur.

12. Comment—Some commenters state that the methodology employed to calculate conventional pollutants removed should be based on the long-term performance of a treatment system rather than the maximum average effluent quality allowable over any 30 day period. They argue that use of the 30 day maximum allowable discharge in the BCT calculation inappropriately biases the costs of removal downward.

Response—EPA continues to believe that calculations of total pollutant removal should be based on the maximum levels allowed for the average

of any 30 day period. These 30 day limitations are contained in all effluent limitations guidelines and are the primary limitation relied on for enforcement of the Act. Long term average limitations have been written for only a very small number of subcategories, and data on such long term compliance is not, in most cases, collected.

EPA recognizes that variability in pollutant concentrations can affect the calculation of long term removal rates based on 30 day averages. Nonetheless, such variability exists with respect to POTWs as well as industrial effluents, and use of the same time period to calculate pollutant removals for industries and the POTWs should minimize the problem.

13. Comment—New Source Performance Standards (NSPS) should be subject to the BCT cost reasonableness assessment.

Response—EPA believes that BCT only applies to existing sources and that NSPS is not affected by BCT decisions. This is supported by both the language and legislative history of section 304(b)(4)(B). First, section 304(b)(4)(B) is, on its face, limited in application to existing sources; section 306 contains the requirements applicable to new sources. Further, Congress was quite explicit in stating that BCT was designed to replace BAT for industrial sources. There is no indication in the legislative history that Congress was dissatisfied with, or intended to modify, the NSPS applicable to new sources. Finally, new sources may, in permits subsequent to their first, be subject to BCT. New sources receive NSPS limitations only in their initial permit. Any subsequent, and more stringent, limitations on conventional pollutants will be subject to the BCT cost reasonableness analysis. Such limitations could not be imposed until after the expiration of the exemption period specified in section 306(d).

14. Comment—Several commenters note that a variety of factors, particularly climate, can affect the cost of compliance with effluent limitations.

Response—Although technology-based limitations are to be set on a national basis, EPA does consider whether variation with respect to factors such as climate affects the ability of industrial dischargers to achieve such limitations. Thus, the effects of climate and similar factors were included in the original assessment of BAT limitations.

15. Comment—Several respondents suggest that EPA consider lessening the stringency of pH requirements so as to reduce treatment costs and improve

treatment efficiencies. These respondents note that pH ranges slightly below 6 or above 9 have no significant water quality impact and, moreover, in other BAT regulations, EPA allows for pH in excess of 9.

Response—The purpose of this rulemaking is to review existing BAT regulations that are more stringent than BPT. In all cases, the pH regulations for secondary industries are the same at both BPT and BAT. Therefore, there is no basis for changing the pH limitations as a result of the BCT review. The validity of the Agency's pH limitations were subject to challenge when the original BPT limitations were promulgated. The Agency has received petition for modification of certain pH limitations. That petition is currently under review.

16. Comment—The definition of contaminated nonprocess wastewater implicitly condones poor maintenance, careless operation and/or lack of preventive maintenance.

Response—The definition of nonprocess wastewater was developed as the result of a court suit which required EPA to define more precisely the different types of wastewater. The purpose of the BCT review is to evaluate the "cost reasonableness" of regulations as they exist, not to reassess any existing terminology or treatment. EPA will not at this time reconsider the definition.

17. Comment—Commenters raise a range of technical issues regarding EPA's use of the documents identified in the April 2, 1979 Federal Register (40 CFR 405 through 432). Such issues include the validity of the underlying data base, inconsistencies in presentation of data in two documents relied on by the Agency, the statistical techniques employed, and the validity of the results.

Response—EPA has evaluated each of these criticisms at length. Although detailed responses to each of these comments are not included here the Agency has carefully considered these comments and believes that it has employed a sound methodological approach and that the results are valid.

18. Comment—EPA annualized POTW capital costs at a 10 percent interest rate, yet EPA has previously used a 6% percent rate for evaluating the costs of new POTWs. The former rate results in POTW costs being higher than is appropriate.

Response—EPA considers the 10 percent interest rate to be proper in determining total annual POTW costs. The 10 percent rate is cited in the Office of Management and Budget Circular A-94 for use in Agency programs not

covered by the Water Resources Council principles and standards. Although the 6% percent rate has been used by the Agency to achieve the goal of emphasizing capital intensive projects such as land treatment, this same notice states that "use of the 10-percent discount rate would help produce a more economically efficient distribution of construction grant funds." 40 Fed. Reg. 44022, 44032 (September 27, 1978).

19. Comment—Several commenters assert that the POTW data used by EPA was both inaccurate and overstated.

Response—Since proposal, EPA has improved its POTW cost data. After proposal of the BCT methodology EPA identified new data provided in two EPA documents, "Construction Costs for Municipal Wastewater Treatment Plants: 1973-1977" and "Analysis of Operations and Maintenance Costs for Municipal Wastewater Treatment Systems." Both of these documents represent empirical and bid data on POTW costs. EPA published a notice of its intention to use this data and public comment was solicited 44 FR 19214 (April 12, 1979). No commenter recommended more current or complete references than these.

20. Comment—Many commenters complain that EPA used old, out-dated information on industries in performing its BCT evaluation.

Response—In performing the review of secondary industry BAT guidelines, the Agency restricted its gathering of data to the development documents and the economic analyses documents which were published in support of the promulgation of the BAT guidelines for each industrial category. Congress, when it established BCT in the 1977 Clean Water Act Amendments, required the Agency to perform an immediate "90 day" review of BAT guidelines for secondary industries. Therefore, Congress seems to have intended that EPA rely on existing data and not undertake extensive and time consuming new analyses of industries.

Obviously, EPA has not managed to complete this review in the short time asked by Congress. This delay has resulted from the complexity of the issues involved and review of the extensive comments received. Although this rulemaking is late, any requirement to gather data on each of the many subcategories evaluated here would require several additional years of study, and this would be far more time consuming than the Agency believes Congress intended.

EPA has, however, reviewed all data submitted by industry. In several cases, where such data seriously question the accuracy of the data used in this review,

the Agency has delayed promulgation of BCT limitations to allow a more thorough investigation. Regardless, the Act provides that BCT will be subject to periodic reexamination and review.

21. *Comment*—Some commenters disagree with EPA's statement (made in the August 23, 1978 proposed rules) that Executive Order 12044, "Improving Government Regulations," does not apply to the proposed action because the proceeding was pending at the time the order was issued; some also say that regulatory analysis is required because this regulation will result in an annual effect on the economy of \$100 million or more and because the regulations will result in a major increase in costs and/or prices; some further comment that an economic impact statement must be prepared in accordance with Executive Order 11821 and 11949, if the proceeding was pending when Executive Order 12044 was issued.

Response—EPA continues to assert that Executive Order 12044 does not apply to this action because the BCT rulemaking proceedings were pending on March 23, 1978, the date Executive Order 12044 was issued.

However, even if the Executive Order did apply, the Agency sees no necessity for performing a regulatory analysis in this case. EPA's criteria for conducting regulatory analysis states that regulatory analysis will be performed when the impacts of the regulations cause additional annual costs of compliance in excess of \$100 million or production cost increases result in price increases of 5% or more. 44 Fed. Reg. 30988 (May 29, 1979). However, this action decreases costs of compliance from those required by existing regulations. BCT requirements are in no case more stringent than original BAT regulations and, for most subcategories, existing regulations are being withdrawn. The Agency also does not believe that an economic impact statement must be prepared in accordance with Executive Orders 11821 and 11949. The economic impacts of the regulations were examined when the original BAT standards were established, and no greater impacts will result from this action. The sole purpose is to determine if the BAT standards meet the additional BCT test.

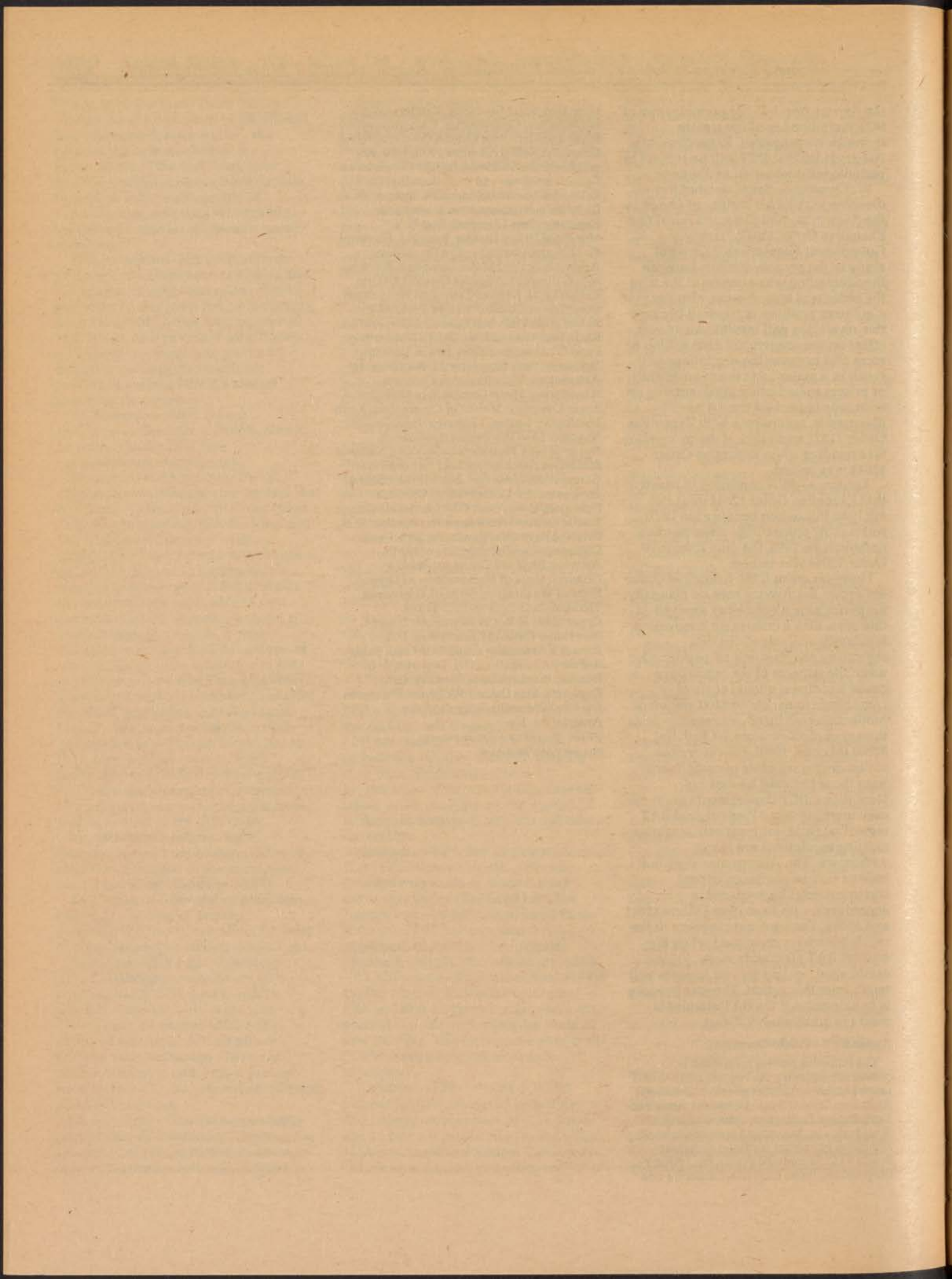
Appendix E—Public Comments

The following parties responded with comments regarding the August 23, 1978 BCT proposed rules: Alto Cooperative Creamery; American Crystal Sugar Company; American Farm Bureau Federation; American Iron and Steel Institute; American Paper Institute; American Petroleum Institute; Anheuser-Busch, Inc.; Arnold and Porter, Inc.; Atlantic Corporation; Boise Cascade; California and

Hawaiian Sugar Company; Canners League of California; CF Industries; Cleary, Gottlieb, Steen and Hamilton; Clinton Corn Processing Company; Collier, Shannon, Rill, Edwards and Scott; Consolidated Badger Cooperative; Council on Wage and Price Stability; Corn Refiners Association, Inc.; CPC International; Dairy Industry Committee; Dean Foods Company; Dow Chemical; East Bay Municipal Utility District; Ronald J. Eberhard; Eli Lilly and Company; The Ferroalloys Association; Ford Motor Company; Frito-Lay, Inc.; Galloway Company; General Electric Company; H. J. Heinz Company; Holly Sugar Corporation; Tom Holmes; H. P. Hood, Inc.; Kaiser Aluminum and Chemical Corporation; Kraft, Inc.; Lake to Lake Dairy Cooperative; Land O'Lakes, Inc.; Mary Lewis; Lone Star Industries, Inc.; Long Island Duck Growers Association; Manufacturing Chemists Association; Mead Corporation; Michigan Sugar Company; Mobil Oil Corporation; Keith Montombe; National Fisheries Institute, Inc.; National Food Processors Association; National Milk Producers Federation; National Renderers Association, Inc.; National Steel Corporation; New York State Department of Environmental Conservation; Offshore Operators Committee; Olin Chemicals Group; Pacific Seafood Processors Association; E. B. Pugsley; Reynolds Aluminum; Scott Paper Company; Shellfish Institute of North America; Shell Oil Company; Snokist Growers; State of Florida; State of Oregon; State of Washington; State of Wisconsin; Tenneco, Inc.; Texaco, Inc.; Texas Department of Water Resources; U and I, Inc.; Union Carbide Corporation; U.S. Brewer's Association, Inc.; U.S. Cane Sugar Refiners Association; U.S. Department of Interior; Warners Duck Farm; Wells Engineers, Inc.; Donald Williams; Wisconsin Dairies; Wisconsin Dairy Products Association, Inc.

[FR Doc. 79-26619 Filed 8-29-79; 8:45 am]

BILLING CODE 6560-01-M



Registered Report Federal

Wednesday
August 29, 1979

Part III

Environmental Protection Agency

Hazardous Substances; Determination of Reportable Quantities; Designation; Memorandum of Understanding Between EPA and Coast Guard on Assessment of Civil Penalties for Discharges of Oil and Designated Hazardous Substances; Proposed Removal of Lime from List and Proposed Application Requirements for NPDES Permits

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 117

[FRL 1305-2]

Water Programs; Determination of Reportable Quantities for Hazardous Substances

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This regulation establishes reportable quantities for substances designated as hazardous under section 311(b)(2)(A) of the Clean Water Act and sets forth requirements for notification in the event of such discharges. This regulation should be read in conjunction with 40 CFR Part 116: Designation of Hazardous Substances, as well as "Memorandum of Understanding Between the Environmental Protection Agency and the United States Coast Guard Concerning the Assessment of Civil Penalties for Discharges of Oil and Designated Hazardous Substances Under Section 311 of the Clean Water Act"; Proposed Regulations to Delete Lime from the List of 299 Hazardous Substances; and Request for additional Comments on Proposed Application Requirements for National Pollutant Discharge Elimination System (NPDES) Permits and on Proposed Rules for Regulating Indicator Parameters, which are being published in this Federal Register issue, and which directly relate to the implementation of these regulations.

EFFECTIVE DATES: These regulations will be effective September 28, 1979, except for discharges of hazardous substances which have been offered to common carriers who are required to accept such substances for shipment in compliance with applicable tariffs. EPA will publish notice in the Federal Register announcing the effective date of these regulations to such discharges.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Mackenthun, Director, Criteria and Standards Division (WH-585), Office of Water Planning and Standards, EPA, 401 M Street SW., Washington, D.C. 20460, (202) 755-0100.

SUPPLEMENTARY INFORMATION:

Background

On March 13, 1978, the Environmental Protection Agency ("EPA") issued regulations under section 311 of the Clean Water Act ("CWA" or "the Act") to control the discharge of hazardous substances. (43 FR 10474). Part 116 in Title 40 designated 271 substances as hazardous; Part 117 determined the removability of each of these

substances; Part 118 determined the harmful quantity for each substance; and Part 119 set forth the Agency's determination of units of measurement and rates of penalty for each hazardous substance. On the same day, EPA proposed regulations designating an additional 28 substances as hazardous.

Prior to their effective date, the regulations were challenged in several law suits. One such suit resulted in an Order declaring EPA's determinations of removability (Part 117) and harmful quantities (Part 118) invalid and resulted indirectly in the invalidation of the determinations of units of measurement and rates of penalty (Part 119). The designation of hazardous substances (Part 116) was not affected by the Court's action. See *Manufacturing Chemists Association, et al. v. Costle, et al.*, 455 F. Supp. 968 (W. D. La., 1978).

On November 2, 1978, section 311 of the Clean Water Act was amended by Pub. L. 95-576. The amended statute no longer requires the Agency to make determinations of removability or units of measurement for computing penalties. Therefore, Parts 117 and 119 of the March 13, 1978 regulations were revoked on February 16, 1979 (44 FR 10269). The basis for determining reportable quantities, formerly termed "harmful quantities", was simplified by the recent amendment and, therefore, Part 118 of the March 13, 1978 regulations was also revoked and reportable quantities were repropounded as a new Part 117 on February 16, 1979 (44 FR 10271). At the same time, the designation of 28 additional substances as hazardous was promulgated (44 FR 10266).

These regulations are authorized by section 311(b)(4) of the amended Act, which requires the Administrator to determine by regulation those quantities of "any hazardous substances the discharge of which may be harmful to the public health or welfare of the United States, including but not limited to shellfish, wildlife, and public and private property, shorelines, and beaches."

The Part 117 regulations promulgated today consist primarily of the following four changes from the regulations proposed on February 16, 1979: (1) The reportable quantity of one substance, calcium hypochlorite, has been changed; (2) The regulations no longer require the addition of fractions of reportable quantities in determining whether the discharge of a mixture or solution must be reported; (3) The applicability of the regulations to facilities permitted under the National Pollutant Discharge Elimination System (NPDES) has been clarified further, and (4) An exclusion from these regulations has been

established for activities permitted under the section 404 (Dredge and Fill) of the Clean Water Act. Each of these changes is explained in detail in the appropriate section of the preamble which follows.

Relationship to Other Hazardous Pollutant Control Programs

The promulgation of these regulations governing the discharge of substances designated as hazardous under section 311 of the CWA, is a major step in the Agency's strategy to regulate the discharge to the Nation's waters of toxic and hazardous substances. The statute requires notification where discharges of hazardous substances occur in "reportable quantities", provides for civil penalties for such discharges, and imposes liability on dischargers for the costs of government clean-up. The 1978 amendments to the Act (Pub. L. 95-576) excluded from section 311 jurisdiction certain discharges from point sources permitted under section 402. It should be emphasized that discharges excluded from these regulations will be subject to stringent control under other regulatory authority. This section discusses current and contemplated regulations under separate authority which address discharges not subject to these section 311 regulations.

(A) Regulation Under Section 402 of the Act. On June 7, 1979, EPA published regulations governing the National Pollutant Discharge Elimination System (NPDES) program under section 402 of the Act (44 FR 32854). On June 14, 1979, EPA proposed consolidated permit regulations, including draft NPDES permit application requirements and forms (44 FR 34416). As explained elsewhere in this Federal Register, the Agency intends to broaden those application requirements to ensure proper control of hazardous substances through the NPDES program. The Agency is soliciting comments on this expanded approach.

Basically, control of hazardous substances under section 402 would be similar to that of toxic pollutants under section 307 and 402 of the Act. Certain permittees would be required to sample, analyze for, and report discharges of hazardous substances in their process wastewater. In many cases, estimates would be acceptable in lieu of analysis. Although most section 311 hazardous substances will not be regulated by effluent limitations guidelines issued under sections 301 and 304 of the Act, such substances may be regulated in an NPDES permit on a case-by-case basis. Regulation may be through the use of "indicator" parameters (44 FR 34397-99), or application-based limitations (44 FR

34404-07). Variability in discharges caused by upsets and bypasses are subject to 40 CFR 122.14 (k) and (l).

Discharges covered by section 402 rather than by section 311 are subject to reporting requirements, civil penalty liability, and liability for clean-up cost, which are similar to those found in section 311. NPDES regulations require reporting of discharges of section 311 substances in violation of permit conditions (40 CFR 122.14(i)). Discharges of hazardous substances which violate permit conditions are subject to a civil penalty of up to \$10,000 per day (Section 309(d) of the Act). Permittees are liable for any clean-up costs resulting from certain discharges of hazardous substances from their facility (Sections 311(b)(6)(D), 309(b), and 504(b)). In short, discharges of hazardous substances from permitted sources will be subject to stringent control.

(B) Requirements for pollution prevention pursuant to 311(j)(1)(C). Section 311(j)(1)(C) of the Act requires promulgation of regulations to prevent the discharges of oil and hazardous substances from vessels and onshore and offshore facilities. Regulations have been promulgated by EPA to prevent oil spills from non-transportation related facilities (40 CFR Part 112) and by the Coast Guard to prevent oil spills from some transportation related facilities (33 CFR Part 154). The EPA regulation requires subject facilities to prepare and implement spill prevention control and countermeasure (SPCC) plans to prevent spills to navigable waters.

Similar regulations for prevention of hazardous substance spills from non-transportation related facilities are now being developed by EPA. When promulgated, these regulations will apply to any non-transportation related facility which, due to its location, could reasonably be expected to discharge a hazardous substance in violation of section 311(b)(3). Permitted facilities will be required to comply with pollution prevention regulations issued under the authority of section 311(j)(1)(C).

(C) Regulation under Section 404. Discharges of hazardous substances in compliance with "dredge and fill" permits issued under section 404 of the Act are exempt from coverage under section 311. The Agency will soon publish substantive guidelines governing issuance of section 404 permits. Permits will not be issued where the dredge and fill activity will have an unreasonable adverse impact on the waters of the United States. Where hazardous substances are likely to be present in dredged material, testing may be required. Thus, section 404 permits will be granted only where evidence

indicates that hazardous substances will not result in unreasonable harm.

Method for Determining Reportable Quantities

The method for determining reportable quantities is the same as that used in determining harmful quantities in the March 13, 1978 regulations. Basically, designated hazardous substances are classified by relative acute toxicity to aquatic organisms into one of five categories with assigned reportable quantities of one, ten, one hundred, one thousand or five thousand pounds. (For a more detailed discussion of that methodology, see 43 FR 10489-92 and 40 FR 59982-89.)

Toxicological data for individual substances used in determining reportable quantities were derived from the compendium of information fact sheets entitled, *Hazardous Substances Facts Sheets*, 1977, which are available from the Environmental Protection Agency. In addition, other primary sources of data were: "Water Quality Criteria", Federal Water Pollution Control Administration, 1968, "Water Quality Criteria", EPA, March 1973, and "Quality Criteria for Water", EPA 440/9-76-023, July 1976.

The Agency is aware that the quantities promulgated today are the same as those which a federal district court concluded were "arbitrary and capricious and contrary to the statutory mandate" (455 F. Supp. 965, 978). However, Congress subsequently changed the applicable statutory mandate (Pub. L. 95-576). In so doing, Congress made it clear that it expected EPA to "promulgate the same 271 designations and quantities without change as soon as possible" (Congressional Record of October 14, 1978 (S19259)). Thus, the reportable quantities promulgated today are consistent with the amended statutory mandate.

EPA has changed the applicability of these regulations to discharges of mixtures and solutions. As proposed, the regulations applied in some circumstances to discharges of mixtures or solutions, where less than a reportable quantity of a given hazardous substance was discharged. For example, a discharge of a mixture containing 70% of a reportable quantity of substance A and 60% of a reportable quantity of substance B, would have been subject to the proposed rules. The Agency has re-evaluated its assumption that the toxic properties of different substances can be considered additive and concluded that the assumption is not valid for all combinations of designated hazardous substances. Based on this review, as

well as on the unnecessarily difficult calculations and reporting requirements, the regulations have been revised. Discharges of mixtures and solutions are subject to these regulations only where a component hazardous substance of the mixture or solution is discharged in a quantity equal to or greater than its reportable quantity.

In the proposed February 16, 1979 regulations, calcium hypochlorite was assigned to toxicity Category A as it was in the original March 13, 1978 regulations. However, after those regulations were published, further information was submitted to the EPA indicating that it actually belonged in toxicity Category B. This correction was noted in the *Federal Register* of June 26, 1978 (43 FR 27534) but was not carried over to the proposed regulations. Therefore, these regulations have been changed to reflect the original correction.

Applicability

These regulations apply to quantities of designated substances equal to or greater than reportable quantities, when discharged into or upon the navigable waters of the United States, adjoining shorelines, into or upon the contiguous zone, or beyond the contiguous zone as provided in section 311(b)(3) of the Act. This section of the preamble explains in greater detail when a discharge from a NPDES permitted facility is excluded from section 311 coverage. These exclusions are discussed in greater detail under the heading "Applicability to Discharges from Facilities with NPDES Permits".

In addition, a determination has been made regarding applicability to discharges associated with dredging and filling activities (applicability was reserved in the regulations proposed on February 16, 1979). Such discharges will now be excluded as long as a valid permit issued under section 404 of the Clean Water Act has been obtained. More information is provided below in "Applicability to Discharges Associated with Dredging and Filling Activities".

In the proposed regulations, the Agency discussed in some detail the issues relating to the applicability of section 311 to Publicly Owned Treatment Works (POTWs) and discharges which may enter navigable waters after passing through a sewer system. Numerous comments were received on this issue in the proposed regulations and are discussed in more detail below under the heading "Applicability to Discharges from Publicly Owned Treatment Works and Their Users".

The Administrator of the Environmental Protection Agency may allow the discharge of a substance, above the reportable quantity, on a case by case basis. The Administrator will allow such a discharge only after significant evidence has been provided to the Administrator to show that the discharge will occur in connection with research or demonstration projects relating to the prevention, removal, control or abatement of hazardous substances, and that the results of the study will outweigh the environmental hazard created as a result of the discharge (as provided for in section 104(i) of the Clean Water Act).

Applicability to Discharges From Facilities With National Pollutant Discharge Elimination System (NPDES) Permits

The rules proposed on February 16, 1979, added a section concerning the applicability of these regulations to discharges of hazardous substances from point sources with NPDES permits issued under section 402 of the Act. The preamble to those regulations discussed the applicable legislative history of section 311, including the effects of the 1978 amendments to the Act (Pub. L. 95-576). (44 FR 10272-74). Those amendments excluded: (1) Discharges in compliance with a permit under section 402 of the Act, (2) discharges resulting from circumstances identified and reviewed and made a part of the public record with respect to a permit issued or modified under section 402 of the Act, and subject to a condition in such permit, and (3) continuous or anticipated intermittent discharges from a point source, identified in a permit or a permit application under section 402 of the Act, which are caused by events occurring within the scope of relevant operating or treatment systems.

Basically, the amendments provide that discharges from permitted point sources which are associated with manufacturing and treatment will be regulated under sections 402 and 309. Spill situations will be subject to section 311, regardless of whether they occur at a facility with a 402 permit.

(A) Summary of Exclusions from Section 311. In the proposed regulations, the first exclusion was applied to discharges of a hazardous substance which did not exceed an effluent limitation specifically applicable to such substance. The second exclusion was available where a permit application identified the source and amounts of the substance to be discharged, as well as the treatment or containment to be provided, and where the discharge was subject to a condition in a permit. The

third exclusion applied to chronic, process related discharges resulting from periodic upsets in the manufacturing and treatment systems. These chronic, process-related discharges were excluded in the proposed regulations until the next permit revision when the permittee had the opportunity to become eligible for the first or second exclusion.

In response to comments and after a re-evaluation of the legislative history and the statute, the Agency has revised the regulations implementing these exclusions. The Agency generally agrees with those commenters who stated that the proposed rules had interpreted the three exclusions too narrowly and in a manner inconsistent with Congressional intent. As proposed, the regulations would have covered under section 311, some discharges occurring within the scope of manufacturing and treatment processes, discharges which are better regulated under sections 402 and 309. The regulations promulgated today are consistent with Congress' intent and ensure that discharges excluded from section 311 are controlled under other authority.

The first exclusion will apply to discharges in compliance with a permit limitation specifically applicable to the hazardous substance, including any limitation designated by the permitting authority as an indicator of that substance and any application-based limitation. (See 44 FR 34397 and proposed 40 CFR 122.68(a)(2), 44 FR 34415). The second exclusion applies to discharges from a point source: *Provided*, That the substance, amount, source, and treatment system are identified in the public record, and the substance to be discharged is subject to a permit condition requiring treatment of the discharge. The third exclusion applies to chronic and anticipated intermittent discharges from a point source identified in a permit or permit application. The third exclusion will remain applicable after permit reissuance or revision.

Discharges which are not subject to a limitation and which are not covered by the second or third exclusion will be subject to the notification, civil penalty, and removal cost provisions of section 311. Each of the exclusions is explained in greater detail below.

(B) Exclusion 1. In some cases, permit effluent limitations representing an appropriate waste treatment technology level exceed the section 311 reportable quantity for a hazardous substance. Thus, a permittee may be in compliance with his permit while discharging a hazardous substance in amounts greater than the reportable quantity. Under

these regulations, if a discharge is in compliance with a permit issued under section 402, such discharge is excluded from section 311. This exclusion applies when the permit contains either a limitation specifically applicable to the hazardous substance or a limitation designated by the permitting authority as an indicator parameter for such a substance.

The scope of this exclusion as proposed has been expanded to cover limitations which may not specifically limit hazardous substances, but which are designed to act as control parameters for such substances. For instance, the Agency may, in some circumstances, control discharges of some hazardous substances by placing limits upon traditional pollutant parameters, such as BOD or COD. (Such parameters may be referred to as "indicator" pollutant parameters. See the discussion accompanying proposed NPDES application requirements, 44 FR 34396-99, June 14, 1979, and preamble to the proposed effluent limitations guidelines for leather tanning, 44 FR 38746, 38757-38758, July 2, 1979.) Where effluent guidelines, a permit, or fact sheets prepared in conjunction with permits identify hazardous substances as being controlled by "indicator" limitations, such limitations would be considered permit limitations for purposes of these regulations, and discharges complying with such limits would be excluded from section 311. Similarly, in cases where specific technology based effluent limits are not applicable, permits may contain effluent limitations based on discharge amounts (or some multiple of these amounts) reported in permit applications. (See, Proposed 40 CFR 122.68(a) 44 FR 34415, 34404-07 (June 14, 1979).) Such limits (known as application-based limits) would also be considered permit limitations for purposes of these regulations, and discharges from point sources complying with such limits would be excluded from section 311.

(C) Exclusion 2. Some discharges of hazardous substances from permitted point sources may result from circumstances which were identified and considered in the issuance of a permit, but are not subject to any specific effluent limitations. The second exclusion addresses these situations, and applies where the source, nature, and amount of a potential discharge was identified and made a part of the public record, and a treatment system demonstrated as capable of preventing that potential discharge was made a permit requirement.

The "public record" has been defined to include the permit application and any supplemental documents contained in the "record for final permit" as defined in 40 CFR 124.122. The public record must identify the substance to be excluded, as well as the amount and origin or source of the substance.

The second exclusion exempts discharges "resulting from circumstances identified, reviewed and made a part of the public record (of a permit) . . . and subject to a condition in [a] permit." On its face, this exclusion applies to a broad range of discharges, including those resulting from on-site spills to the treatment system as well as to chronic process discharges originating in the operating or treatment systems, provided they are subject to a specific permit condition. However, due to overlap between the 2nd and 3rd exclusion, certain continuous and anticipated intermittent discharges are exempted by the 3rd exclusion, regardless of the existence of an applicable permit condition. Thus, the second exclusion will, as a practical matter, cover principally those discharges resulting from onsite spills to the permitted treatment system.

The legislative history makes it clear that Congress intended discharges caused by on-site spills to be excluded from section 311 (and subject to section 402) only where it could be demonstrated that such on-site spills had been contemplated and had been processed through a treatment system which should have been capable of preventing a reportable discharge. (See Congressional Record of October 14, 1978 (S19259 and H13599)). Thus, the "condition" contemplated in 311(a)(2)(B) will be placed in permits to exclude discharges caused by spills only where the permittee demonstrates that the treatment system is in fact sufficient to treat the potential spill identified. For example, if a discharger has a drainage system which will route spilled material from a broken hose connection to a holding tank or basin for subsequent treatment and discharge at a specified rate, documentation must be submitted with the application. The proposed permit condition must be sufficient to treat the maximum potential spill from the identified source. This exclusion will not exempt a discharge which results from an on-site spill larger or more concentrated than the spill contemplated in the public record.

(D) Exclusion 3. Exclusion 3 applies to all continuous or anticipated intermittent discharges originating in the manufacturing or treatment systems, including chronic discharges and those

caused by upsets and treatment system failures. The exclusion is not dependent on the scope of the permit, so long as a permit application has been submitted, or a permit exists, covering the point source in question. Discharges caused by spills or episodic events which release hazardous substances to the manufacturing or treatment systems are not covered by this exclusion.

The Agency intends to require additional information under section 402 concerning those discharges subject to the third exclusion. Such information is not required under section 311 and is not a requisite for exclusion from section 311. However, the Agency does intend to require such information in the NPDES application forms. Elsewhere in this Federal Register, additional information is published concerning EPA's proposed requirements.

Applicability to Discharges From Publicly Owned Treatment Works and Their Users

The February 16, 1979, proposal of 40 CFR Part 117 sought public comment on several options described in the preamble for clarifying jurisdiction among sections 307 (b) and (c) and section 311 for chronic discharges and spills from industrial sources which reach navigable waters through publicly owned treatment works (POTWs). The Agency received a number of thoughtful comments. Due to the complexity of the issues, the diversity of issues raised in public comments, and the potential impact of any decision on the thousands of facilities which regularly discharge hazardous substances to POTWs, EPA is reserving regulation of such discharges from industrial facilities to POTWs at this time.

Another principal question addressed in EPA's February 16 proposal, involved the role and responsibility of the POTW when a hazardous substance is introduced to its treatment system and then discharged into navigable waters. The Agency believes that the 1978 amendment excluding from section 311 certain discharges by sources with NPDES permits applies to some discharges of hazardous substances a permitted POTW may make to navigable waters. In particular, the exclusions may be appropriate for chronic or anticipated intermittent discharges of hazardous substances such as chlorine, which are used by the POTW in the operation of its treatment system. Of course, classic spills by the POTW of hazardous substances it may use or store on its premises are subject to section 311, unless a condition in the permit providing for treatment of the

spilled substance qualifies the discharge for exclusion two.

The problem is in determining the applicability of the exclusion provisions and defining the role and responsibility of a POTW when it discharges hazardous substances as a result of influent received from an indirect discharger. Application of Congress' intent is less clear in this case.

The three exclusions for discharges from permitted sources presuppose that the permitted source knows of the presence of the hazardous substance and has made or will make provisions to treat the particular substance prior to discharge. However, unless notified that a hazardous substance has been introduced to its system, a POTW may not be aware of the presence of the substance.

For this reason, § 117.12(a)(4) of the proposed regulations excluded from section 311 "discharges from a POTW of substances received as influent at the treatment works". EPA agrees with commenters who stressed that it is unreasonable to hold the POTW liable for discharges from users, or under circumstances which it is unaware of, or unable to control. Therefore, POTWs will not be held responsible for discharges of hazardous substances received as influent. EPA also recognizes the merits of State comments stressing that, nevertheless, discharges to navigable waters resulting from influent received at the POTW should not, as proposed in paragraph (a)(4), be totally excluded from section 311. Therefore, the promulgated regulations have been revised to delete paragraph (a)(4).

Applicability of these regulations to discharges of hazardous substances received as influent by a POTW is reserved in § 117.13(a) and therefore, POTWs will not be subject to 311 civil penalties or liabilities for government costs of clean-up of such discharges. However, POTWs are encouraged to report any known discharges of hazardous substances in excess of reportable quantities so that the provisions and funds of section 311(k) may be used to clean-up and mitigate the effects of these discharges to navigable waters. Of course, the Agency believes that hazardous substances which are used by the POTW in the operation of its treatment system and which are discharged to navigable waters in reportable quantities are subject to the provisions of section 311 unless the discharge has been exempted under one of the three exclusions of the 1978 amendments to section 311.

In some cases a POTW may become aware that a spill to its system has

occurred. This could occur when the POTW is notified by the source of the spill or where it becomes aware of an incident, as through news broadcasts. The Agency believes that if the POTW knows that a spill has occurred, it should make the fastest and, under the circumstances, best assessment that it can concerning the most effective action to take. The goals should be twofold. First, to protect itself from serious damage or upset, and second, to mitigate the damage to the environment to the maximum extent possible. Measures a POTW might take could include partial or complete treatment of the hazardous substance, or a diversion or bypass of flows containing the substance and notification of downstream users where only such action would prevent even more significant environmental damage.

Further, EPA encourages POTWs to immediately notify the Coast Guard when a reportable quantity of a hazardous substance has been discharged, or will be discharged, to navigable waters so that appropriate mitigation can begin at once and downstream users of the water can be warned. If, on the other hand, the POTW is certain it can prevent such a discharge, the Agency encourages the POTW to report to the Coast Guard that a spill to the POTW's system has occurred, but that it will be contained or treated by the POTW's treatment system.

Applicability to Unauthorized Mobile Source Discharges Through POTWs

There is one case where today's promulgated regulations apply to discharges of designated hazardous substances to navigable waters through POTWs. Discharges will be subject to section 311 where a discharge of a reportable quantity of a designated hazardous substance is made to a sewer system from a truck, train, or other mobile source which has not contracted or otherwise received written permission to discharge the designated substance into the POTW. For example, a waste hauler who contracts to discharge specific hazardous substances to the sewer would not be required to report under section 311 of these regulations. However, an illegal discharge, or "midnight dump", as well as any accidental discharge by a mobile source into a POTW's sewer system, would be reportable and subject to all applicable provisions of these regulations.

The Agency believes such a rule is necessary because unexpected discharges from mobile sources to navigable waters through sewer systems

present problems which are significant and distinct from discharges to sewer systems from industrial facilities. As several commenters noted, mobile sources which have made no advance arrangements with public authorities for such discharges of hazardous substances are not subject to NPDES permits, industry specific effluent limitations or pretreatment standards. Neither can the treatment works be designed or operated by the POTW so as to assure that the discharge of unanticipated hazardous substances by a mobile source will not reach navigable waters. As several commenters stressed, POTWs may not even know of the presence of a hazardous substance unless notified by the mobile source creating the discharge.

The problems brought about by unexpected discharges to POTWs by mobile sources were exemplified in March of 1977 when an unknown hazardous substance entered Louisville, Kentucky's Morris Foreman Sewage Treatment Plant. Toxic fumes from the mystery substance sickened 32 employees of the plant and forced a complete shutdown of the facility. Subsequent investigations determined that the substance, a mixture of two rare and highly toxic industrial chemicals (octa and hexachlorocyclopentadiene) had been illicitly dumped into the city sewer system from an industrial waste hauler's tank truck. In addition to endangering downstream water supplies, the effects of this "midnight dump" on the POTW were devastating. For three months the plant discharged 105 million gallons per day of untreated sewage to the Ohio River while the facility was decontaminated. Clean-up of the approximately three miles of sewer which had carried the chemicals continues today, almost two and one-half years after the incident occurred. Clean-up and disposal of residues containing the chemicals have cost millions of dollars.

Commenters pointed out additional problems unique to unexpected discharge by mobile sources. In some instances POTWs lack any authority to control such discharges, as where State-enabling legislation provides for control to be exercised through a contract or permit to use the sewer system. Even where POTWs have sufficient authority in enabling statutes, they often lack a means of implementing and enforcing such authority for unexpected discharges from mobile sources, whereas they generally do have such capability for enforcing sewer use ordinances and pretreatment standards for fixed facilities. Out-of-town carriers

of intra- and interstate commerce, unlike fixed facilities, may not be aware of the existence of local requirements for notification, pretreatment, or clean-up in the event of a spill to the sewers. Although unauthorized discharges to sewers from fixed facilities can also occur, means are available to minimize such occurrences. In contrast, spills involving mobile sources are more difficult to anticipate in advance and prevent.

Since EPA lacks authority under section 311 to require mobile sources who spill to POTWs to notify the POTW, these regulations require only that the Coast Guard be notified. Mobile sources which spill hazardous substances to a sewer are, of course, strongly urged to report the discharge to the POTW at the same time they report it to the Coast Guard so that the POTW can protect its sewer system and take any available mitigating actions.

Applicability to Discharges Associated with Dredging and Filling Activities

Comments were received on how designated hazardous substances are to be controlled when present in discharges of dredged or fill materials, and on the relationship in this regard of section 311 requirements and section 404 requirements. Commenters generally supported the concept of using the section 404 permit process to ensure compliance with section 311 requirements, providing there is a means for determining whether discharges of dredged or fill material contain hazardous substances and providing that a level of testing is required that would preclude the discharge of dredged or fill material containing designated hazardous substances in quantities that violate the spirit and intent of section 311.

On September 5, 1975, EPA published interim final guidelines establishing the substantive criteria for permit decisions for the discharge of dredged or fill material under section 404 (40 CFR Part 230). Experience in the implementation of these guidelines and the results of ongoing research both have indicated the need to revise and clarify the 1975 guidelines. Such revisions have been prepared in draft and the Agency expects to propose revised section 404(b)(1) guidelines in the near future. The Agency's position is that the section 404(b)(1) guidelines will protect the environment from designated hazardous substances when such are contained in discharges of dredged or fill material.

The Agency believes that discharges of dredged or fill material should not be permitted if the discharge will have an unacceptable adverse impact on the

waters of the United States. The Agency recognizes the difficulty in measuring the exact amount of particular hazardous substances in dredged or fill material. Moreover, the amount of a hazardous substance contained in dredged or fill material which actually may be harmful may be vastly different from a similar amount of hazardous substance that is spilled or discharged directly into water. The section 404(b)(1) guidelines will ensure that the impact of any discharge of dredged or fill material will be fully understood before a decision is made to permit such discharge. The permitting authority will be required to make a determination of the potential for adverse effects on aquatic and wetland organisms and ecosystems, including bioaccumulation, as a result of the availability of any pollutant (including designated hazardous substances) in the solid, liquid, or suspended particulate phase of the discharged material.

In assessing the potential for adverse effect, the permitting authority must consider the likelihood that the dredged or fill material proposed to be discharged is a carrier of pollutants. If this determination indicates that pollutants, such as section 311 designated hazardous substances, are likely to be present, then the permitting authority is required to undertake tests to determine the effect of the proposed discharge on the receiving environment at the proposed disposal site. Depending upon the circumstances, testing required in the guidelines may include chemical analyses of liquids or solids, bioassays, bioaccumulation tests, or biologic ecosystem evaluations. The guidelines will state explicitly that a circumstance to be considered in assessing the needs for testing of dredged or fill material is a history of spills of substances designated as hazardous under section 311.

The Agency believes that adequate protection from section 311 designated hazardous substances will be provided through the section 404(b)(1) guidelines. Because of their requirement for implicit consideration of the potential impact of such substances when they are contained within dredged or fill material proposed to be discharged, these regulations will not deal with the discharge of dredged or fill materials. Such activities will be controlled through the section 404 EPA guidelines.

Procedure for Giving Notice of Discharge

Procedures for giving notice of discharges above the reportable quantities are explained in 33 CFR 153.203, "Procedure for the Notice of

Discharge". A copy of that regulation appears as Attachment I to this preamble.

Penalties

The proposed section 311 regulations provide two methods for penalizing dischargers of hazardous substances. The first, which already existed as section 311(b)(6) of the statute prior to the amendment of November 2, 1978, provides for the assessment by the United States Coast Guard of a civil penalty not to exceed \$5,000 for the discharge of oil or a designated hazardous substance (section 311(b)(6)(A)). The second option, created by the new amendment, provides that the EPA, through the Department of Justice, may initiate a civil action in Federal district court for penalties not to exceed \$50,000 per discharge unless such discharge is the result of willful negligence or willful misconduct, in which case the penalty shall not exceed \$250,000 (section 311(b)(6)(B)). The final regulations show no change from those proposed on February 16, 1979.

Factors to be considered by EPA in determining whether a higher penalty is warranted are described in these regulations. Prompt mitigation of a discharge is encouraged by making mitigation an important consideration in establishing the size of the penalty. This is particularly significant in discharges of hazardous substances which are capable of actual removal. A discharger of a designated hazardous substance can be penalized under section 311(b)(6)(A) or section 311(b)(6)(B), but not both. The EPA and the United States Coast Guard have developed an agreement regarding those cases which shall be referred to EPA for consideration of the higher penalty. This Memorandum of Understanding is published in this *Federal Register*. In those cases where EPA determines to bring action for a civil penalty, administrative penalty assessment under section 311(b)(6)(A), which would otherwise be initiated by the United States Coast Guard, will be withheld.

Civil penalties will not be assessed under both section 311 and 309 for the same discharge. The Memorandum of Understanding between the Coast Guard and EPA sets forth procedures for determining when a discharge of a hazardous substance is subject to section 311 (and thus section 311(b)(6) penalties) and when such a discharge is excluded from section 311 and subject to section 402 (and thus section 309 penalties). The two agencies are developing a similar Memorandum of Understanding which will provide procedures for determining when a

discharge of oil is subject to section 311 (and thus section 311(b)(6) penalties), and when a discharge of oil is excluded from section 311, and subject to section 402 (and thus penalties assessed under section 309). The latter Memorandum of Understanding will be published together with modifications of current regulations addressing oil discharges under section 311.

It should also be noted that any costs of removal incurred in connection with a discharge excluded by section 311 (a)(2)(C) (40 CFR 117.12(a)(3)) will be recoverable from the owner, operator or person in charge of the source of the discharge in an action brought under section 309(b) of the Clean Water Act.

Economic Impact Statement

These regulations are intended to encourage a high standard of care in handling hazardous substances by requiring the reporting and clean-up of discharges of such substances in reportable quantities. These regulations do not require the construction or purchase of equipment to treat or prevent discharges. They do not require spill prevention measures, nor do they prohibit the manufacture, use or transport of any substance. Where such measures are required by regulation, any associated economic impacts must be analyzed in connection with those regulations.

The intent of these regulations is not to establish a permit program for the discharge of spills of hazardous substances. The exclusions identified for NPDES permitted facilities are established to cover those facilities that use or generate one or more of the hazardous substances in their operation and, as a result, are discharging those substances in a manner that is approved by the EPA, although that discharge might be above the reportable quantities established by these regulations.

These regulations do not require a technology based treatment system to treat classical spills of hazardous substances, nor do they require spill prevention measures. While the possibility could exist that an owner, operator or person in charge of a facility might have to make some adjustment in his treatment system if he wishes to have a discharge caused by an on-site spill of a particular substance excluded from these regulations, these regulations in no way require such action. Thus, compliance with these regulations will not result in any direct costs to the regulated parties. The Agency has examined the incremental treatment costs for those seeking to comply with section 402 and avoid section 311 liability. This investigation has

indicated that in the majority of cases, the same treatment used to control the toxic pollutants in a particular discharge will also be capable of controlling the hazardous substances in the discharge. Incremental treatment costs in such cases for the hazardous substances would be insignificant. The costs of adjustments to treatment systems for control of hazardous substances under section 402 regulations are discussed in the Request for Additional Comments on Proposed Application Requirements for National Pollutant Discharge Elimination System (NPDES) Permits.

However, two types of expenses may be incurred because of violations of these regulations: Civil penalties and clean-up costs. Since economic impacts are generally based on compliance costs, not costs resulting from failure to comply, these two factors are not considered as direct impacts. This is particularly appropriate since in the absence of mandatory reporting of discharges of hazardous substances, there are little data on discharge events (i.e. number and size of discharges, types of materials spilled, resulting penalties, and associated clean-up costs). It is therefore very difficult to estimate the frequency of violations or the resulting costs.

As a result of the amendments to the statute, the potential penalties to be assessed under the proposed regulations are considerably simplified and reduced from those in the previous statute. The maximum penalty for a discharge from a land-based facility was set at \$500,000 while a discharge from a vessel could result in a \$5 million penalty. The penalty structure has now been both simplified and moderated (the maximum penalty for any discharge is now set at \$50,000 unless it is the result of willful negligence or willful misconduct, where the penalty can reach \$250,000). Therefore, the potential amounts of civil penalties will be substantially less than projected in the March 13, 1978 promulgation (43 FR 10479).

Response to Comments

(1) *Comment:* Several commenters objected to the Agency's assumption that reportable quantities for different hazardous substances should be considered additive in their toxic effects (proposed §117.3), citing lack of scientific support.

Response: The Agency agrees that the toxicity of hazardous substances is not necessarily additive or synergistic, and has therefore modified the regulations. The discharge of a mixture or solution is, however, subject to these regulations if a quantity equal to or greater than a

reportable quantity of a specific hazardous substance is discharged.

(2) *Comment:* Several commenters believe that the reportable quantities were complicated, arbitrary, and inadequate. They stated that the quantities would not be harmful in all instances, and urged that concentration in receiving waters be considered.

Response: The Agency's system of utilizing five reportable quantity categories based on relative toxicity is anything but complicated, and is in fact designed to make it easier for a discharger to determine which incidents he must report. The reportable quantity determinations cannot be considered arbitrary because they comply with the recent amendments which report quantities to be those which may be harmful. In enacting those amendments, Congress was aware of and endorsed the reportable quantities promulgated today. (Congressional Record of October 14, 1978 [S 19259]). Congress also made it clear that the determination of reportable quantities does not require an assessment of actual harm in the variety of circumstances in which substances might be discharged, *id* at § 19258. Finally, Congress did not intend that circumstances surrounding the release (such as receiving water concentration) should be a factor in determining reportable quantities.

(3) *Comment:* One commenter asked that discharges of copper sulfate be excluded from the regulations when intentionally made to reservoirs to control algae.

Response: Copper sulfate is registered as a pesticide for controlling algae. When applied according to pesticide label directions, the discharge is exempted by § 117.11(c). This exclusion has been expanded to provide that the use of pesticides pursuant to state pesticide permits, experimental use permits, and emergency exemptions are excluded from these regulations.

(4) *Comment:* One commenter objected to the use of "vinegar acid" as a synonym for acetic acid.

Response: The term "vinegar acid" is a well known synonym and was included to aid the public. The synonym "vinegar acid" was obtained from "The Condensed Chemical Dictionary," 7th ed., G.C. Hanley, editor, published by Van Nostrand Reinhold Company.

(5) *Comment:* One commenter suggested that the discharge of calcium oxide (lime) be excluded from regulation when used to protect oyster farms from predators. Another commenter challenged the reportable quantities for calcium oxide and calcium hydroxide, and petitioned the Agency to remove

lime from the list of hazardous substances.

Response: In response to the petition, the Agency is proposing elsewhere in this Federal Register to delete lime from 40 CFR Parts 116 and 117. Further information can be found in that notice.

(6) *Comment:* Several commenters contended that all discharges from facilities with 402 permits should be excluded from section 311.

Response: The 1978 amendments to section 311 do not authorize the broad exclusions requested by these commenters. The statutory distinction between discharges subject to section 311 and those subject to 402 is based not on the location of the discharge, but rather on the source and circumstances surrounding that discharge. Classic spills to navigable waters, regardless of whether they occur at permitted facilities, are clearly subject to 311 unless such discharges are subject to a permit condition requiring processing through a treatment system which was demonstrated capable of treating the spill.

(7) *Comment:* A few commenters suggested that the statute provides sufficient distinction between discharges subject to section 311 and those subject to 402, and that regulations were therefore unnecessary.

Response: The statute alone, without implementing regulations, simply will not provide sufficient information and guidance to regulated parties or state and federal officials. The regulations as revised, meet the intent of Congress, while providing more detailed information on their applicability.

(8) *Comment:* A few commenters suggested that EPA withhold issuance of these regulations until NPDES regulations, Best Management Practices (BMP) regulations, and Spill Prevention Control and Countermeasure (SPCC) regulations are promulgated.

Response: NPDES and BMP regulations have been promulgated (44 FR 32854, June 14, 1979). SPCC regulations were proposed last year (43 FR 39276, September 1, 1978). Revised NPDES application forms were proposed on June 14, 1979 (44 FR 34346; 44 FR 34393) and are further discussed elsewhere in this Federal Register. All Congressionally-mandated regulatory requirements which affect permitted facilities are being coordinated to the maximum extent possible. These regulations have been revised to make them compatible with related existing requirements and independent of proposed or contemplated requirements.

(9) *Comment:* Several commenters urged that applicability of these regulations be "phased-in" during the

permit process, and that time for compliance be provided.

Response: These regulations do not require time for compliance because their effect is to prohibit spills and other episodic discharges, not to prescribe required levels of treatment or other permit conditions. Chronic, anticipated intermittent discharges originating in the operating or treatment systems are exempt from these regulations, but will be regulated under section 402 of the CWA. A phase-in period is not appropriate for spill discharges, since on-site spills cannot be excluded unless and until the discharger demonstrates the capability to treat such spills.

(10) *Comment:* One commenter recommended that EPA headquarters review all permit applications at major facilities before excluding any dischargers from section 311.

Response: Such a review is unnecessary, and would inject an unwarranted layer of red tape into the permitting process, resulting in delays and overlapping responsibilities. The permitting authority, be it a state or regional EPA office, is better able to make any site-specific determinations required by these regulations.

(11) *Comment:* Several commenters contended that the first exclusion was too narrow, and should be interpreted to apply to permits which limit only conventional pollutants but do not limit hazardous substances.

Response: The amendments to section 311 were intended to distinguish between classic spills and discharges associated with manufacturing and treatment. The interpretation urged by these commenters would frustrate this intent in cases where a "classic spill" of hazardous substance occurred, but did not result in a violation of a traditional pollutant parameter. Moreover, certain discharges associated with manufacturing and treatment, but which are not specifically limited in a permit, would be exempt from section 311 under the third exclusion (§ 117.12(b)(3)). In addition, the first exclusion has been expanded, so that discharges in compliance with EPA designated "indicator" pollutant parameters (44 FR 34396-99) and discharges in compliance with "application-based limits" (44 FR 34404-07) will be exempt from section 311. Thus, the Agency believes that § 117.12(b) as promulgated is consistent with Congress' intent.

(12) *Comment:* Several commenters were concerned that EPA had interpreted the second exclusion too narrowly, resulting in coverage under 311 of the discharges which should be subject to section 402. For example, a number of commenters noted that the

statute calls for identification of the "circumstances" surrounding a discharge, but does not require a particular level of treatment, an issue they felt should be dealt with under section 402; some believed the definition of "public record" was too narrow; others stated that waste characterization (substance and amount) was inappropriate, technically impossible in some cases, and costly in terms of monitoring; a few commenters asked that the term "condition" be further explained and expanded.

Response: The Agency has revised the second exclusion in several respects. The regulations require treatment only where a permittee wishes to have on-site spills excluded from section 311 and covered by section 402. The level of such treatment would then be a section 402 matter. The definition of "public record" has been rewritten to include additional information considered in the issuance of the permit. Characterization of discharge waste streams will not be required where such streams result from manufacturing and treatment sources, since such discharges will already be covered by the third exclusion. Thus, the technical and analytical and economic problems which commenters stated would be associated with sampling and monitoring should not arise under these final regulations. However, identification of the "circumstances" surrounding a discharge does require identification of substances and amount of substances where a permittee wishes to make potential spill situations subject to a permit condition, and thus subject to section 402, not 311. For example, if a permittee believes he can treat an on-site spill, for example, a ruptured hose connection, he must provide the permitting authority all relevant information, including substance, amount, and proposed treatment. Based on this information, the permit writer will determine whether existing treatment is adequate, and whether the potential discharge can be excluded from section 311 coverage should it occur. Thus, a permittee does not have an unlimited right to a permit condition (and the resulting exclusion from section 311) for a discharge caused by an on-site spill unless he has demonstrated that his treatment system is actually capable of preventing the discharge.

In addition, a discharge resulting from an on-site spill, larger or more concentrated than the spill contemplated in the public record and made subject to a permit condition requiring treatment, will not be excluded from section 311. For example, discharges caused by leaks and minor

spills from a large storage tank may be identified, reviewed, and made subject to a treatment requirement, and excluded from section 311. But a major failure of such tank, with resulting spill discharge, would be subject to the provisions of section 311.

(13) *Comment:* A number of commenters argued that EPA had interpreted the third exclusion too narrowly, particularly because it addressed primarily anticipated intermittent discharges and not continuous discharges, and because the exclusion ended upon promulgation of NPDES regulations and receipt of a new permit.

Response: The Agency has revised the third exclusion, which will no longer expire after promulgation of NPDES regulations. The Agency intends, however, to require more detailed information concerning continuous and anticipated intermittent discharges of hazardous substances caused by events occurring within the scope of relevant operating and treatment systems. (See notice in this Federal Register). Discharges caused by upsets, bypasses, and contamination of noncontact cooling waters are considered anticipated intermittent discharges and are excluded from section 311. However, on-site spills to cooling water and storm water will be subject to section 311 if discharged. Congress was aware of the possibility that such spills might be funneled through an outfall to avoid section 311, and intended the amendments to deter such avoidance schemes (*Congressional Record*, October 14, 1978 (S19259)).

(14) *Comment:* A few commenters objected to the comment which followed § 117.12(b)(3)(ii)(C) on the grounds that it was inconsistent with the statute.

Response: The Agency agrees and has deleted the comment. However, discharges caused by on-site spills of hazardous substances will not be considered "anticipated intermittent" discharges, but will be subject to section 311.

(15) *Comment:* Several commenters requested deletion of the comment following § 117.12(b)(3)(iii)(B) because it encouraged "second-guessing" regarding the type of discharge which occurred.

Response: The comment has been deleted. The reporting of discharges subject to section 402 are subject to the requirements in the NPDES regulations, not these regulations.

(16) *Comment:* Two commenters believed that the regulations permitted assessment of civil penalties under both sections 309 and 311.

Response: The statute (§ 311(b)(6)(E)) flatly prohibits assessment of two civil

penalties under sections 309 and 311 for the same discharge, and the Agency will not seek to assess dual penalties.

(17) *Comment:* Two commenters urged that the regulations give credit to permitted facilities for any hazardous substance present in their intake water.

Response: Permittees will not be responsible under these regulations for the presence of hazardous substances in the discharge of water received as intake water, unless such water is collected and later spilled in amounts greater than reportable quantities for those hazardous substances.

(18) *Comment:* A few commenters requested that EPA clarify that "reportable quantities" would not be used as a basis for determining permit effluent limitations.

Response: Effluent limitations for discharges subject to section 402 will continue to be based on technology factors and water quality criteria. Reportable quantities will play no role in permit limitations under section 402.

(19) *Comment:* A few commenters stated that the applicability of the regulations was unclear when they pertained to facilities which have submitted permit applications, but are adjudicating permits.

Response: The exclusions apply generally to any facility which has applied for a permit. If adjudication involves a permit condition as defined in the second exclusion, such a contested condition will not be deemed in effect, and the exclusion will not apply.

(20) *Comment:* Several commenters stated that the regulations did not specify whether discharges to land and air are subject to section 311.

Response: The issue is clarified in these final regulations, which apply to discharges into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the contiguous zone, or seaward from the contiguous zone, as provided in section 311(b)(3). Discharges to land or air which do not reach the previously mentioned waters and shorelines are not subject to section 311, but may be subject to section 504 of the act or other law. Of course where hazardous substances seep, leak, or wash into navigable waters or adjoining shorelines, the discharger must notify the Coast Guard.

(21) *Comment:* One commenter suggested that the requirement to notify the Coast Guard of a discharge (section 311(b)(5); 40 CFR 117.21) should be the responsibility of the dispatcher in the case of a discharge from a train or truck. The commenter pointed out that a train engineer or truck driver may not have

immediate access to a telephone, but may have alternate means of contacting his dispatcher, who in turn could phone the Coast Guard.

Response: The Act requires notification by the "person in charge" of the facility or vessel from which the discharge occurs. The term "person in charge" may include individuals, firms, corporations or partnerships. Because the purpose of the notification requirement is to ensure quick response and clean-up of discharged hazardous substances, the requirement is fulfilled when notification is made in the most expeditious manner possible. EPA recognizes that the fastest means of notification may, in some circumstances, be accomplished by having a person present at the discharge site (e.g., a truck driver) contact a third party within the firm or corporation (e.g., a dispatcher), who in turn will notify the Coast Guard. This procedure would comply with the statutory requirement if it results in notification of the Coast Guard in the fastest means possible under the circumstances.

(22) *Comment:* A few commenters objected to the requirement as proposed in § 117.22 that discharges be reported "immediately", stating that it was unfair to require reporting prior to the time that the person in charge had knowledge of the discharge.

Response: The Agency agrees with the comment and has revised the regulation accordingly. Notification must be made immediately upon learning of the discharge.

(23) *Comment:* One commenter asked that the criminal penalty for failure to report a discharge be deleted.

Response: The statute itself calls for the criminal penalty, and EPA cannot delete a statutory penalty.

(24) *Comment:* One commenter suggested that the section 311(b)(6)(B) penalty be applied to discharges of oil as well as hazardous substances.

Response: The legislative history clearly indicates that the section 311(b)(6)(B) penalty option only be used for discharges of hazardous substances.

(25) *Comment:* One commenter inquired whether neutralizing an acid spill with a basic material constituted and additional spill.

Response: The Agency believes that it would be contrary to the spirit of the law to penalize persons for undertaking mitigation actions which are encouraged under section 311. At the same time, the Agency believes that care must be exercised in carrying out mitigation actions. The Agency intends to promulgate removal regulations at a later date. Accordingly, § 117.11(e) provides that mitigation actions

undertaken on the instructions or with the approval of the Federal On-Scene Coordinator pursuant to 40 CFR Part 1510 (The National Oil and Hazardous Substance Contingency Plan), or pursuant to 33 CFR 153.105(c) (Pollution by Oil or Hazardous Substances), or in accordance with applicable section 311(j)(1)(A) regulations, when promulgated, do not violate section 311.

(26) *Comment:* One commenter suggested that hazardous spills reporting be kept at a local level, specifically at the State NPDES level.

Response: Notwithstanding any other reporting arrangements, for purposes of section 311, any discharge of an oil or hazardous substance in reportable quantities must be reported immediately to the appropriate Federal agency. Executive Order 11735 designated the U.S. Coast Guard as the appropriate agency to receive such notices. Failure to report carries a criminal penalty.

(27) *Comment:* One commenter expressed concern that regulations to report every spill encourage non-reporting.

Response: Spills in reportable quantities must be reported if they reach navigable waters, adjoining shorelines, the contiguous zone, or other waters described in section 311(b)(3) of the Act. The Agency from historical experience has found that regulations requiring the reporting of sheens of oil did not encourage non-reporting.

(28) *Comment:* One commenter, an insurance syndicate, states that the Act actually discourages quick clean-up by the discharger in the case of a large spill, where the clean-up costs exceed the maximum liability limits of section 311(f). The commenter indicated that it advised its insureds not to commence clean-up in such a situation, since expenses of clean-up may not be repaid or set-off against the statutory liability limits. The commenter was concerned because a discharger's failure to assist in clean-up is a factor to be considered in initiating a higher civil penalty.

Response: As noted by the commenter, the situation complained of is called for by the statute and does not arise from these regulations. The purpose of section 311 is to prohibit the discharge of oil and hazardous substances. The perceived "predicament" arises only when the discharger has violated the Act by discharging a hazardous substance. The Agency believes that it is irresponsible and clearly contrary to the spirit of the Act for a discharger to refuse to clean-up a discharge of his own making. This is the apparent reason for Congress' emphasis on mitigation as a factor in civil penalty assessment. The Agency

intends to follow the Congressional mandate and seek higher civil penalties where a discharger has not taken appropriate mitigation action.

(29) *Comment:* A few commenters requested that civil penalties be assessed only where a discharge resulted in demonstrable harm, and that absence of harm be considered defense in any penalty proceeding. The commenters stated that *United States v. Chevron Oil*, 583 F. 2d 1357 (5th Cir., 1978) required such an interpretation.

Response: The *Chevron* decision interpreted the statute prior to the 1978 amendments, when the statute prohibited discharges that "will be harmful". The amendments changed this language to "may be harmful", to "make it clear that the determination of reportable quantities" * * * does not require an assessment or actual harm in the variety of circumstances in which such substances might be discharged" (Congressional Record of October 14, 1978 (H 13599)). Since actual harm need not be proved in order for the discharge prohibition to attach, it would be inconsistent with Congressional intent to allow a defendant to try to disprove actual harm in a civil penalty proceeding.

It should be noted, however, that gravity of the offense will be considered in penalty proceedings: accordingly, the size of the discharge and degree of harm will be a factor.

(30) *Comment:* Several commenters stated that the recent amendments to section 311 require changes to existing regulations governing the discharge of oil.

Response: The regulations promulgated today apply only to hazardous substances. The Agency intends to make appropriate revisions to regulations concerning oil in the near future.

(31) *Comment:* One commenter stated that § 117.32 should be revised to delete the last sentence dealing with liability for clean-up costs arising from discharges excluded from section 311 and these regulations.

Response: The Agency agrees that the provision is not appropriate in these regulations. However, section 311(b)(6)(D) provides that any clean-up costs associated with certain discharges regulated under section 402 are recoverable from the discharger in an action brought under section 309(d) of the Act. The Agency will bring such actions in appropriate circumstances.

(32) *Comment:* A few commenters objected to the fact that the regulation applies to discharges of reportable quantities "in any 24-hour period". Most commenters requested the time be

shortened, arguing that a "shock load" effect would occur only if the discharge occurred very quickly.

Response: Reportable quantities have little meaning unless a time period for discharge of that quantity is specified. Neither section 311 or its legislative history provide a time limit for the applicability of reportable quantities. Thus, implementing regulations may be applied to any discharge over any period of time. The primary thrust of these regulations has been directed toward the control of short-term nonroutine discharges of hazardous substances. In addition, the definition of discharge explicitly includes such things as "leaking", which may encompass considerable time. The association of a maximum time limit over which the discharge of a reportable quantity must occur to result in a violation will provide additional definition to the reporting requirement under section 311(b)(5). For the purpose of this regulation a maximum time period associated with the discharge of a harmful quantity has been established as 24 hours. It is believed that this time period will permit regulatory control over such discharges of hazardous substances and provide an additional degree of resolution to the reporting requirement.

(33) *Comment:* One commenter suggested that § 117.11(d) be amended to provide that discharges in compliance with permit conditions issued under section 3005 of the Resource Conservation and Recovery Act (RCRA) be excluded from these regulations. Although the proposed regulations excluded discharges in compliance with regulations under section 3004, the commenter noted that section 3005 permit conditions will not necessarily be identical to the requirements of the section 3004 regulations.

Response: The Agency agrees with this comment and has modified these regulations accordingly. Section 3005 permits may only be issued to a facility upon a showing that it meets the requirements of section 3004 and 3005 for treatment, storage, or disposal of hazardous wastes. Thus, the permit issues that all activities will be conducted in an environmentally acceptable manner. However, section 3005 does authorize the Administrator (or a State) to incorporate a compliance schedule in a permit. Permits may also allow variances from certain section 3004 requirements. The revised regulations are consistent with the Agency policy of excluding from section 311 only those discharges which are properly regulated under other authority. At the same time, it clarifies

that a discharge in accordance with a section 3005 permit (which may contain a compliance schedule or a variance from a 3004 requirement) also is excluded from section 311.

(34) *Comment:* One commenter suggested that these regulations should not apply to mixtures or solutions which contain a hazardous substance in low concentrations, since such concentrations will not necessarily be harmful.

Response: The amended statute requires the determination of quantities which "may be harmful" and the legislative history makes it clear that such quantities need not be harmful in all cases. Moreover, the statute contains no exemption for solutions or mixtures but calls for absolute quantities. It cannot be assumed that the discharge of a dilute concentration of a hazardous substance may not result in some harm.

Evaluation Plan

Under the amendment to section 311, the Agency is required to "conduct a study and report to the Congress on methods, mechanisms, and procedures to create incentives to achieve a higher standard of care in all aspects of the management and movement of hazardous substances * * *. The Administrator shall include in such a study (1) limits of liability, (2) liability of third party damages, (3) penalties and fees, (4) spill prevention plans, (5) current practices in the insurance and banking industries, and (6) whether the penalty enacted in subclause (bb) of clause (iii) of subparagraph (B) of subsection (b)(2) of section 311 of Pub. L. 92-500 should be enacted." (Pub. L. 95-576.)

This study will provide the Agency with a more complete picture of the effectiveness of these regulations and possible economic impacts, and will allow the Agency to evaluate any procedural difficulties encountered in implementing the regulations. The Agency is required to complete this study by May 1980. Plans are now being completed for the conduct of this study and the Agency will solicit assistance from interested parties in the performance of this study.

Deferral of Regulations as They Apply to Discharges From Common Carriers

In the February 16, 1979 proposed regulations, EPA published notice that it would defer implementing these regulations as they apply to discharges from common carriers. This is because common carriers are required to accept for transport those shipments offered in compliance with applicable tariffs. Currently, not all hazardous substances

are adequately identified by existing tariffs. Thus, in some circumstances, common carriers may have no means of determining when they are transporting hazardous substances. In other words, common carriers may not refuse to accept a shipment which may contain unidentified hazardous substances, nor could they report a spill of a hazardous substance unless they had knowledge of its presence.

Private and contract carriers, on the other hand, may request the shipper to identify any shipments containing hazardous substances, and may then elect either to transport or to refuse to do so. In any case, they have the means to determine if hazardous substances are on board, and thus the ability to take actions to prevent a spill, and the knowledge to report a spill should it occur. Therefore, these regulations will be applicable in thirty days to the discharge of hazardous substances transported under private or contract carriage.

With respect to common carriers, tariff changes can be accomplished by the common carriers themselves. Since designation of hazardous substances was promulgated six months ago, it is anticipated that common carriers have already taken steps to initiate appropriate tariff changes. Therefore, the Agency expects that these tariff changes can be made effective within four (4) months. EPA will publish notice in the *Federal Register* announcing the effective date of these regulations as they apply to discharges of hazardous substances which have been offered to common carriers who are required to accept such substances for shipment in compliance with applicable tariffs.

The Agency recognizes that this deferral of effective date for certain discharges may result in some unreported spills, and the inability of the government to assess civil penalties or removal cost liabilities for some spills. However, it would be unreasonable to attach such liabilities to carriers who are otherwise effectively precluded by Federal law from obtaining knowledge of whether their cargoes include hazardous substances. Moreover, the Agency believes that common carriers and shippers will act in good faith to do all in their power to bring about tariff changes.

Dated: August 20, 1979.

Douglas A. Costle,
Administrator.

Part 117 is added as follows:

PART 117—DETERMINATION OF REPORTABLE QUANTITIES FOR HAZARDOUS SUBSTANCES

Subpart A—General Provisions

Sec.

117.1 Definitions.

117.2 Abbreviations.

117.3 Determination of reportable quantities.

Subpart B—Applicability

117.11 General applicability.

117.12 Applicability to discharges from facilities with NPDES permits.

117.13 Applicability to discharges from publicly owned treatment works and their users.

117.14 Demonstration projects.

Subpart C—Notice of Discharge of a Reportable Quantity

117.21 Notice.

117.22 Penalties.

117.23 Liabilities for removal.

Authority: Secs. 311 and 501(a), Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); ("the Act") and Executive Order 11735.

Subpart A—General Provisions

§ 117.1 Definitions.

As used in this part, all terms shall have the meanings stated in 40 CFR Part 116.

(a) "Reportable quantities" means quantities that may be harmful as set forth in § 117.3, the discharge of which is a violation of section 311(b)(3) and requires notice as set forth in § 117.21.

(b) "Administrator" means the Administrator of the Environmental Protection Agency ("EPA").

(c) "Mobile source" means any vehicle, rolling stock, or other means of transportation which contains or carries a reportable quantity of a hazardous substance.

(d) "Public record" means the NPDES permit application or the NPDES permit itself and the "record for final permit" as defined in 40 CFR 124.122.

(e) "National Pretreatment Standard" or "Pretreatment Standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to industrial users of a publicly owned treatment works. It further means any State or local pretreatment requirement applicable to a discharge and which is incorporated into a permit issued to a publicly owned treatment works under section 402 of the Act.

(f) "Publicly Owned Treatment Works" or "POTW" means a treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act). This definition

includes any sewers that convey wastewater to such a treatment works; but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

(g) "Remove" or "removal" refers to removal of the oil or hazardous substances from the water and shoreline or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches.

(h) "Contiguous zone" means the entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and Contiguous Zone.

(i) "Navigable waters" means "waters of the United States, including the territorial seas." This term includes:

(1) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(2) Interstate waters, including interstate wetlands;

(3) All other waters such as intrastate lakes, rivers, streams, (including intermittent streams), mudflats, sandflats, and wetlands, the use, degradation or destruction of which would affect or could affect interstate or foreign commerce including any such waters;

(i) Which are or could be used by interstate or foreign travelers for recreational or other purposes;

(ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce;

(iii) Which are used or could be used for industrial purposes by industries in interstate commerce;

(4) All impoundments of waters otherwise defined as navigable waters under this paragraph;

(5) Tributaries of waters identified in paragraphs (i)(1)–(4) of this section, including adjacent wetlands; and

(6) Wetlands adjacent to waters identified in paragraphs (i)(1)–(5) of this section ("Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally

included playa lakes, swamps, marshes, bogs, and similar areas such as sloughs, prairie potholes, wet meadows, prairie river overflows, mudflats, and natural ponds): *Provided*, That waste treatment systems (other than cooling ponds meeting the criteria of this paragraph) are not waters of the United States.

(j) "Process waste water" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

§ 117.2 Abbreviations.

NPDES equals National Pollutant Discharge Elimination System. RQ equals reportable quantity.

§ 117.3 Determination of reportable quantities.

The quantity listed with each substance in Table 117.3 is determined to be the reportable quantity for that substance.

Table 117.3—Reportable Quantities of Hazardous Substances

Note.—The first number under the column headed "RQ" is the reportable quantity in pounds. The number in parentheses is the metric equivalent in kilograms. For convenience, the table contains a column headed "Category" which lists the code letters "X", "A", "B", "C" and "D" associated with reportable quantities of 1, 10, 100, 1000 and 5000 pounds respectively.

Material	Category	RQ in pounds (kilograms)
Acetaldehyde.....	C	1,000 (454)
Acetic acid.....	C	1,000 (454)
Acetic anhydride.....	C	1,000 (454)
Acetone cyanohydrin.....	A	10 (4.54)
Acetyl bromide.....	D	5,000 (2,270)
Acetyl chloride.....	D	5,000 (2,270)
Acrolein.....	X	1 (0.454)
Acrylonitrile.....	B	100 (45.4)
Adipic acid.....	D	5,000 (2,270)
Aldrin.....	X	1 (0.454)
Allyl alcohol.....	B	100 (45.4)
Allyl chloride.....	C	1,000 (454)
Aluminum sulfate.....	D	5,000 (2,270)
Ammonia.....	B	100 (45.4)
Ammonium acetate.....	D	5,000 (2,270)
Ammonium benzoate.....	D	5,000 (2,270)
Ammonium bicarbonate.....	D	5,000 (2,270)
Ammonium bichromate.....	C	1,000 (454)
Ammonium bifluoride.....	D	5,000 (2,270)
Ammonium bisulfite.....	D	5,000 (2,270)
Ammonium carbamate.....	D	5,000 (2,270)
Ammonium carbonate.....	D	5,000 (2,270)
Ammonium chloride.....	D	5,000 (2,270)
Ammonium chromate.....	C	1,000 (454)
Ammonium citrate.....	D	5,000 (2,270)
Ammonium fluoroborate.....	D	5,000 (2,270)
Ammonium fluoride.....	D	5,000 (2,270)
Ammonium hydroxide.....	C	1,000 (454)
Ammonium oxalate.....	D	5,000 (2,270)
Ammonium silicofluoride.....	C	1,000 (454)
Ammonium sulfamate.....	D	5,000 (2,270)
Ammonium sulfide.....	D	5,000 (2,270)
Ammonium sulfite.....	D	5,000 (2,270)
Ammonium tartrate.....	D	5,000 (2,270)
Ammonium thiocyanate.....	D	5,000 (2,270)
Ammonium thiosulfate.....	D	5,000 (2,270)
Amyl acetate.....	C	1,000 (454)
Aniline.....	C	1,000 (454)
Antimony pentachloride.....	C	1,000 (454)

Material	Category	RQ in pounds (kilograms)	Material	Category	RQ in pounds (kilograms)
Antimony potassium tartrate.....	C	1,000 (454)	Epichlorohydrin.....	C	1,000 (454)
Antimony tribromide.....	C	1,000 (454)	Ethion.....	A	10 (4.54)
Antimony trichloride.....	C	1,000 (454)	Ethylbenzene.....	C	1,000 (454)
Antimony trifluoride.....	C	1,000 (454)	Ethylenediamine.....	C	1,000 (454)
Antimony trioxide.....	D	5,000 (2,270)	Ethylene dibromide.....	C	1,000 (454)
Arsenic disulfide.....	D	5,000 (2,270)	Ethylene dichloride.....	D	5,000 (2,270)
Arsenic pentoxide.....	D	5,000 (2,270)	EDTA.....	D	5,000 (2,270)
Arsenic trichloride.....	D	5,000 (2,270)	Ferric ammonium citrate.....	C	1,000 (454)
Arsenic trioxide.....	D	5,000 (2,270)	Ferric ammonium oxalate.....	C	1,000 (454)
Arsenic trisulfide.....	D	5,000 (2,270)	Ferric chloride.....	C	1,000 (454)
Barium cyanide.....	A	10 (4.54)	Ferric fluoride.....	B	100 (45.4)
Benzene.....	C	1,000 (454)	Ferric nitrate.....	C	1,000 (454)
Benzoic acid.....	D	5,000 (2,270)	Ferric sulfate.....	C	1,000 (454)
Benzonitrile.....	C	1,000 (454)	Ferrous ammonium sulfate.....	C	1,000 (454)
Benzoyl chloride.....	C	1,000 (454)	Ferrous chloride.....	B	100 (45.4)
Benzyl chloride.....	B	100 (45.4)	Ferrous sulfate.....	C	1,000 (454)
Beryllium chloride.....	D	5,000 (2,270)	Formaldehyde.....	C	1,000 (454)
Beryllium fluoride.....	D	5,000 (2,270)	Formic acid.....	D	5,000 (2,270)
Beryllium nitrate.....	D	5,000 (2,270)	Fumaric acid.....	D	5,000 (2,270)
Butyl acetate.....	D	5,000 (2,270)	Furfural.....	C	1,000 (454)
n-Butyl phthalate.....	B	100 (45.4)	Guthion.....	X	1 (0.454)
Butylamine.....	C	1,000 (454)	Heptachlor.....	X	1 (0.454)
Butyric acid.....	D	5,000 (2,270)	Hexachlorocyclopentadiene.....	X	1 (0.454)
Cadmium acetate.....	B	100 (45.4)	Hydrochloric acid.....	D	5,000 (2,270)
Cadmium bromide.....	B	100 (45.4)	Hydrofluoric acid.....	D	5,000 (2,270)
Cadmium chloride.....	B	100 (45.4)	Hydrogen cyanide.....	A	10 (4.54)
Calcium arsenate.....	C	1,000 (454)	Hydrogen sulfide.....	B	100 (45.4)
Calcium arsenite.....	C	1,000 (454)	Isoprene.....	C	1,000 (454)
Calcium carbide.....	D	5,000 (2,270)	Isopropanolamine.....	C	1,000 (454)
Calcium chromate.....	C	1,000 (454)	dodecylbenzenesulfonate.....	D	5,000 (2,270)
Calcium cyanide.....	A	10 (4.54)	Kelthane.....	X	1,000 (454)
Calcium.....	C	1,000 (454)	Kepone.....	X	1,000 (454)
dodecylbenzenesulfonate.....	D	5,000 (2,270)	Lead acetate.....	D	5,000 (2,270)
Calcium hydroxide.....	D	5,000 (2,270)	Lead arsenate.....	D	5,000 (2,270)
Calcium hypochlorite.....	B	100 (45.4)	Lead chloride.....	D	5,000 (2,270)
Calcium oxide.....	D	5,000 (2,270)	Lead fluoroborate.....	D	5,000 (2,270)
Captan.....	A	10 (4.54)	Lead fluoride.....	C	1,000 (454)
Carbaryl.....	B	100 (45.4)	Lead iodide.....	D	5,000 (2,270)
Carbofuran.....	A	10 (4.54)	Lead nitrate.....	D	5,000 (2,270)
Carbon disulfide.....	D	5,000 (2,270)	Lead stearate.....	D	5,000 (2,270)
Carbon tetrachloride.....	D	5,000 (2,270)	Lead sulfate.....	D	5,000 (2,270)
Chlordane.....	X	1 (0.454)	Lead sulfide.....	D	5,000 (2,270)
Chlorine.....	A	10 (4.54)	Lead thiocyanate.....	D	5,000 (2,270)
Chlorobenzene.....	B	100 (45.4)	Lindane.....	X	1 (0.454)
Chloroform.....	D	5,000 (2,270)	Lithium chromate.....	C	1,000 (454)
Chlorpyrifos.....	X	1 (0.454)	Malathion.....	A	10 (4.54)
Chlorosulfonic acid.....	C	1,000 (454)	Maleic acid.....	D	5,000 (2,270)
Chromic acetate.....	C	1,000 (454)	Maleic anhydride.....	D	5,000 (2,270)
Chromic acid.....	C	1,000 (454)	Mercaptodimethur.....	B	100 (45.4)
Chromic sulfate.....	C	1,000 (454)	Mercuric cyanide.....	X	1 (0.454)
Chromous chloride.....	C	1,000 (454)	Mercuric nitrate.....	A	10 (4.54)
Cobaltous bromide.....	C	1,000 (454)	Mercuric sulfate.....	A	10 (4.54)
Cobaltous formate.....	C	1,000 (454)	Mercuric thiocyanate.....	A	10 (4.54)
Cobaltous sulfamate.....	C	1,000 (454)	Mercurous nitrate.....	A	10 (4.54)
Coumaphos.....	A	10 (4.54)	Methoxychlor.....	X	1 (0.454)
Cresol.....	C	1,000 (454)	Methyl mercaptan.....	B	100 (45.4)
Crotonaldehyde.....	B	100 (45.4)	Methyl methacrylate.....	D	5,000 (2,270)
Cupric acetate.....	B	100 (45.4)	Methyl parathion.....	B	100 (45.4)
Cupric acetoarsenite.....	B	100 (45.4)	Mevinphos.....	X	1 (0.454)
Cupric chloride.....	A	10 (4.54)	Mexacarbate.....	C	1,000 (454)
Cupric nitrate.....	B	100 (45.4)	Monoethylamine.....	C	1,000 (454)
Cupric oxalate.....	B	100 (45.4)	Monomethylamine.....	C	1,000 (454)
Cupric sulfate.....	A	10 (4.54)	Naled.....	A	10 (4.54)
Cupric sulfate ammoniated.....	B	100 (45.4)	Naphthalene.....	D	5,000 (2,270)
Cyanogen chloride.....	A	10 (4.54)	Naphthalenic acid.....	B	100 (45.4)
Cyclohexane.....	C	1,000 (454)	Nickel ammonium sulfate.....	D	5,000 (2,270)
2,4-D Acid.....	B	100 (45.4)	Nickel chloride.....	D	5,000 (2,270)
2,4-D Esters.....	B	100 (45.4)	Nickel hydroxide.....	C	1,000 (454)
DDT.....	X	1 (0.454)	Nickel nitrate.....	D	5,000 (2,270)
Diazinon.....	X	1 (0.454)	Nickel sulfate.....	D	5,000 (2,270)
Dicamba.....	C	1,000 (454)	Nitric acid.....	C	1,000 (454)
Dichlobenil.....	C	1,000 (454)	Nitrobenzene.....	C	1,000 (454)
Dichlorobenzene.....	X	1 (0.454)	Nitrogen dioxide.....	C	1,000 (454)
Dichlorobenzene.....	B	100 (45.4)	Nitrophenol.....	C	1,000 (454)
Dichloropropane.....	D	5,000 (2,270)	Nitrotoluene.....	C	1,000 (454)
Dichloropropene.....	D	5,000 (2,270)	Paraformaldehyde.....	C	1,000 (454)
Dichloropropene.....	D	5,000 (2,270)	Parathion.....	X	1 (0.454)
Dichloropropane Mixture.....	D	5,000 (2,270)	Pentachlorophenol.....	A	10 (4.54)
2,2-Dichloropropionic acid.....	D	5,000 (2,270)	Phenol.....	C	1,000 (454)
Dichlorvos.....	A	10 (4.54)	Phosgene.....	D	5,000 (2,270)
Dieldrin.....	X	1 (0.454)	Phosphoric acid.....	D	5,000 (2,270)
Diethylamine.....	C	1,000 (454)	Phosphorus.....	X	1 (0.454)
Dimethylamine.....	C	1,000 (454)	Phosphorus oxychloride.....	D	5,000 (2,270)
Dinitrobenzene.....	C	1,000 (454)	Phosphorus pentasulfide.....	B	100 (45.4)
Dinitrophenol.....	C	1,000 (454)	Phosphorus trichloride.....	D	5,000 (2,270)
Dinitrotoluene.....	C	1,000 (454)	Polychlorinated biphenyls.....	A	10 (4.54)
Diquat.....	C	1,000 (454)	Potassium arsenate.....	C	1,000 (454)
Disulfoton.....	X	1 (0.454)	Potassium arsenite.....	C	1,000 (454)
Diuron.....	B	100 (45.4)	Potassium bichromate.....	C	1,000 (454)
Dodecylbenzenesulfonic acid.....	C	1,000 (454)	Potassium chromate.....	C	1,000 (454)
Endosulfan.....	X	1 (0.454)	potassium cyanide.....	A	10 (4.54)
Endrin.....	X	1 (0.454)	Potassium hydroxide.....	C	1000(454)
			Potassium permanganate.....	B	100 (45.4)

Material	Category	RQ in pounds (kilograms)
Propargite	A	10 (4.54)
Propionic acid	D	5,000 (2,270)
Propionic anhydride	D	5,000 (2,270)
Propylene oxide	D	5,000 (2,270)
Pyrethrins	C	1,000 (454)
Quinoline	C	1,000 (454)
Resorcinol	C	1,000 (454)
Selenium oxide	C	1,000 (454)
Silver nitrate	X	1 (0.454)
Sodium	C	1,000 (454)
Sodium arsenate	C	1,000 (454)
Sodium arsenite	C	1,000 (454)
Sodium bichromate	C	1,000 (454)
Sodium bifluoride	D	5,000 (2,270)
Sodium bisulfite	D	5,000 (2,270)
Sodium chromate	C	1,000 (454)
Sodium cyanide	A	10 (4.54)
Sodium dodecylbenzenesulfonate	C	1,000 (454)
Sodium fluoride	D	5,000 (2,270)
Sodium hydrosulfide	D	5,000 (2,270)
Sodium hydroxide	C	1,000 (454)
Sodium hypochlorite	B	100 (45.4)
Sodium methylate	C	1,000 (454)
Sodium nitrite	B	100 (45.4)
Sodium phosphate, dibasic	D	5,000 (2,270)
Sodium phosphate, tribasic	D	5,000 (2,270)
Sodium selenite	C	1,000 (454)
Strontium chromate	C	1,000 (454)
Strychnine	A	10 (4.54)
Styrene	C	1,000 (454)
Sulfuric acid	C	1,000 (454)
Sulfur monochloride	C	1,000 (454)
2,4,5-T acid	B	100 (45.4)
2,4,5-T amines	B	100 (45.4)
2,4,5-T esters	B	100 (45.4)
2,4,5-T salts	B	100 (45.4)
2,4,5-TP acid	B	100 (45.4)
2,4,5-TP acid esters	B	100 (45.4)
TDE	X	1 (0.454)
Tetraethyl lead	B	100 (45.4)
Tetraethyl pyrophosphate	B	100 (45.4)
Thallium sulfate	C	1,000 (454)
Toluene	C	1,000 (454)
Toxaphene	X	1 (0.454)
Trichloron	C	1,000 (454)
Trichloroethylene	C	1,000 (454)
Trichlorophenol	A	10 (4.54)
Triethanolamine	C	1,000 (454)
dodecylbenzenesulfonate	D	5,000 (2,270)
Triethylamine	C	1,000 (454)
Trimethylamine	C	1,000 (454)
Uranyl acetate	D	5,000 (2,270)
Uranyl nitrate	D	5,000 (2,270)
Vanadium pentoxide	C	1,000 (454)
Vanadyl sulfate	C	1,000 (454)
Vinyl acetate	C	1,000 (454)
Vinylidene chloride	D	5,000 (2,270)
Xylene	C	1,000 (454)
Xylenol	C	1,000 (454)
Zinc acetate	C	1,000 (454)
Zinc ammonium chloride	D	5,000 (2,270)
Zinc borate	C	1,000 (454)
Zinc bromide	D	5,000 (2,270)
Zinc carbonate	C	1,000 (454)
Zinc chloride	D	5,000 (2,270)
Zinc cyanide	A	10 (4.54)
Zinc fluoride	C	1,000 (454)
Zinc formate	C	1,000 (454)
Zinc hydrosulfite	C	1,000 (454)
Zinc nitrate	D	5,000 (2,270)
Zinc phenolsulfonate	D	5,000 (2,270)
Zinc phosphide	C	1,000 (454)
Zinc silicofluoride	D	5,000 (2,270)
Zinc sulfate	C	1,000 (454)
Zirconium nitrate	D	5,000 (2,270)
Zirconium potassium fluoride	D	5,000 (2,270)
Zirconium sulfate	D	5,000 (2,270)
Zirconium tetrachloride	D	5,000 (2,270)

Subpart B—Applicability

§ 117.11 General applicability.

This regulation sets forth a determination of the reportable quantity for each substance designated as hazardous in 40 CFR Part 116. The regulation applies to quantities of designated substances equal to or

greater than the reportable quantities, when discharged into or upon the navigable waters of the United States, adjoining shorelines, into or upon the contiguous zone, or beyond the contiguous zone as provided in section 311(b)(3) of the Act, except to the extent that the owner or operator can show such that discharges are made:

(a) In compliance with a permit issued under the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.);

(b) In compliance with approved water treatment plant operations as specified by local or State regulations pertaining to safe drinking water;

(c) Pursuant to the label directions for application of a pesticide product registered under section 3 or section 24 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136 et seq.), or pursuant to the terms and conditions of an experimental use permit issued under section 5 of FIFRA, or pursuant to an exemption granted under section 18 of FIFRA;

(d) In compliance with the regulations issued under section 3004 or with permit conditions issued pursuant to section 3005 of the Resource Conservation and Recovery Act (90 Stat. 2795; 42 U.S.C. 6901);

(e) In compliance with instructions of the On-Scene Coordinator pursuant to 40 CFR 1510 (the National Oil and Hazardous Substances Pollution Plan) or 33 CFR 153.10(e) (Pollution by Oil and Hazardous Substances) or in accordance with applicable removal regulations as required by section 311(j)(1)(A);

(f) In compliance with a permit issued under § 165.7 of Title 14 of the State of California Administrative Code;

(g) From a properly functioning inert gas system when used to provide inert gas to the cargo tanks of a vessel;

(h) From a permitted source and are excluded by § 117.12 of this regulation;

(i) To a POTW and are specifically excluded or reserved in § 117.13; or

(j) In compliance with a permit issued under section 404(a) of the Clean Water Act or when the discharges are exempt from such requirements by section 404(f) or 404(r) of the Act (33 U.S.C. 1344(a), (f), (r)).

§ 117.12 Applicability to discharges from facilities with NPDES permits.

(a) This regulation does not apply to:

(1) Discharges in compliance with a permit under section 402 of this Act;

(2) Discharges resulting from circumstances identified, reviewed and made a part of the public record with respect to a permit issued or modified

under section 402 of this Act, and subject to a condition in such permit;

(3) Continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of this Act, which are caused by events occurring within the scope of the relevant operating or treatment systems; or

(b) A discharge is "in compliance with a permit issued under section 402 of this Act" if the permit contains an effluent limitation specifically applicable to the substance discharged or an effluent limitation applicable to another waste parameter which has been specifically identified in the permit as intended to limit such substance, and the discharge is in compliance with the effluent limitation.

(c) A discharge results "from circumstances identified, reviewed and made a part of the public record with respect to a permit issued or modified under section 402 of the Act, and subject to a condition in such permit," whether or not the discharge is in compliance with the permit, where:

(1) The permit application, the permit, or another portion of the public record contains documents that specifically identify:

(i) The substance and the amount of the substance; and

(ii) The origin and source of the substance; and

(iii) The treatment which is to be provided for the discharge either by:

(A) An on-site treatment system separate from any treatment system treating the permittee's normal discharge; or

(B) A treatment system designed to treat the permittee's normal discharge and which is additionally capable of treating the identified amount of the identified substance; or

(C) Any combination of the above; and

(2) The permit contains a requirement that the substance and amounts of the substance, as identified in § 117.12(c)(1)(i) and § 117.12(c)(1)(ii) be treated pursuant to § 117.12(c)(1)(iii) in the event of an on-site release; and

(3) The treatment to be provided is in place.

(d) A discharge is a "continuous or anticipated intermittent discharge from a point source, identified in a permit or permit application under section 402 of this Act, and caused by events occurring within the scope of the relevant operating or treatment systems," whether or not the discharge is in compliance with the permit, if:

(1) The hazardous substance is discharged from a point source for

which a permit application has been submitted; and

(2) The discharge of the hazardous substance results from:

(i) The contamination of noncontact cooling water or storm water, provided that such cooling water or storm water is not contaminated by an on-site spill of a hazardous substance; or

(ii) A continuous or anticipated intermittent discharge of process waste water, and the discharge originates within the manufacturing or treatment systems; or

(iii) An upset or failure of a treatment system or of a process producing a continuous or anticipated intermittent discharge where the upset or failure results from a control problem, an operator error, a system failure or malfunction, an equipment or system startup or shutdown, an equipment wash, or a production schedule change, provided that such upset or failure is not caused by an on-site spill of a hazardous substance.

§ 117.13 Applicability to discharges from publicly owned treatment works and their users.

(a) [Reserved], with the exception of § 117.13(b) below,

(b) These regulations apply to all discharges of reportable quantities to a POTW, where the discharge originates from a mobile source, except where such source has contracted with, or otherwise received written permission from the owners or operators of the POTW to discharge that quantity, and the mobile source can show that prior to accepting the substance from an industrial discharger, the substance had been treated to comply with any effluent limitation under sections 301, 302 or 306 or pretreatment standard under section 307 applicable to that facility.

§ 117.14 Demonstration projects.

Notwithstanding any other provision of this part, the Administrator of the Environmental Protection Agency may, on a case-by-case basis, allow the discharge of designated hazardous substances in connection with research or demonstration projects relating to the prevention, control, or abatement of hazardous substance pollution. The Administrator will allow such a discharge only where he determines that the expected environmental benefit from such a discharge will outweigh the potential hazard associated with the discharge.

Subpart C—Notice of Discharge of a Reportable Quantity

§ 117.21 Notice.

Any person in charge of a vessel or an onshore or an offshore facility shall, as soon as he has knowledge of any discharge of a designated hazardous substance from such vessel or facility in quantities equal to or exceeding in any 24-hour period the reportable quantity determined by this Part, immediately notify the appropriate agency of the United States Government of such discharge. Notice shall be given in accordance with such procedures as the Secretary of Transportation has set forth in 33 CFR 153.203. This provision applies to all discharges not specifically excluded or reserved by another section of these regulations.

§ 117.22 Penalties.

(a) Any person in charge of a vessel or an onshore or offshore facility who fails to notify the United States Government of a prohibited discharge pursuant to § 117.21 (except in the case of a discharge beyond the contiguous zone, where the person in charge of a vessel is not otherwise subject to the jurisdiction of the United States) shall be subject to a fine of not more than \$10,000 or imprisonment for not more than one year, or both, pursuant to section 311(b)(5).

(b) The owner, operator or person in charge of a vessel or an onshore or offshore facility from which is discharged a hazardous substance designated in 40 CFR Part 116 in a quantity equal to or exceeding in any 24-hour period, the reportable quantity established in this Part (except in the case of a discharge beyond the contiguous zone, where the person in charge of a vessel is not otherwise subject to the jurisdiction of the United States), shall be assessed a civil penalty of up to \$5,000 per violation under section 311(b)(6)(A). Alternatively, upon a determination by the Administrator, a civil action will be commenced under section 311(b)(6)(B) to impose a penalty not to exceed \$50,000 unless such discharge is the result of willful negligence or willful misconduct within the privity and knowledge of the owner, operator, or person in charge, in which case the penalty shall not exceed \$250,000.

Note: The Administrator will take into account the gravity of the offense and the standard of care manifest by the owner, operator, or person in charge in determining whether a civil action will be commenced under section 311(b)(6)(B). The gravity of the offense will be interpreted to include the size of the discharge, the degree of danger or harm

to the public health, safety, or the environment, including consideration of toxicity, degradability, and dispersal characteristics of the substance, previous spill history, and previous violation of any spill prevention regulations. Particular emphasis will be placed on the standard of care and the extent of mitigation efforts manifest by the owner, operator, or person in charge.

§ 117.23 Liabilities for removal.

In any case where a substance designated as hazardous in 40 CFR Part 116 is discharged from any vessel or onshore or offshore facility in a quantity equal to or exceeding the reportable quantity determined by this Part, the owner, operator or person in charge will be liable, pursuant to sections 311 (f) and (g) of the Act, to the United States Government for the actual costs incurred in the removal of such substance, subject only to the defenses and monetary limitations enumerated in sections 311 (f) and (g) of the Act.

The Administrator may act to mitigate the damage to the public health or welfare caused by a discharge and the cost of such mitigation shall be considered a cost incurred under section 311(c) for the removal of that substance by the United States Government.

[FR Doc. 79-26758 Filed 8-28-79; 8:45 am]

BILLING CODE 6560-01-M